

The Gazette of India

PUBLISHED BY AUTHORITY

No. 17] NEW DELHI, SATURDAY, APRIL 25, 1959/VAISAKHA 5, 1881

NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 15th April 1959 :—

Issue No.	No. and date	Issued by	Subject
<hr/>			
54	S.O. 793, dated 10th April, 1959.	Ministry of Transport and Communications.	No aircraft shall make flights into or over certain Tribal areas specified therein.
55	S.O. 794, dated 12th April, 1959.	Ministry of Commerce and Industry.	Appointment of persons as Members of the Advisory Commission.
56	S.O. 833, dated 8th April, 1959.	Election Commission, India.	Fixation of hours during which a poll shall be taken for the Election to the House of the People from the Mahasu Constituency.
57	S.O. 834, dated 15th April, 1959.	Ministry of Information and Broadcasting.	Approval of films specified therein.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—SECTION 3—Sub-section (ii)

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administrations of Union Territories).

ELECTION COMMISSION, INDIA

New Delhi, the 14th April 1959

S.O. 840.—In exercise of the powers conferred by sub-section (1) of section 22 of the Representation of the People Act, 1951, the Election Commission hereby cancels its Notification No. 434/4/58(1), dated the 14th January, 1959/Pausa 24, 1880 (Saka), published in the Gazette of India, Part II, Section 3, Sub-section (ii) dated the 24th January, 1959/Magha 4, 1880.

[No. 434/4/58(1).]

S.O. 841.—In exercise of the powers conferred by sub-section (1) of section 13A of the Representation of the People Act, 1950, (43 of 1950), the Election Commission, in consultation with the Delhi Administration, hereby nominates Shri Prabhu Dayal Sharma, Secretary (Judicial), Delhi Administration, as the Chief Electoral Officer for the Union Territory of Delhi, from the 2nd April, 1959 and until further orders.

[No. 154/14/58.]

S.O. 842.—In exercise of the powers conferred by section 21 of the Representation of the People Act, 1951, (XLIII of 1951), the Election Commission, in consultation with the Administrator of Manipur hereby appoints the Deputy Commissioner, Manipur to be the Returning Officer for each of the two Parliamentary Constituencies in the Union Territory of Manipur, as determined by the Delimitation of Parliamentary and Assembly Constituencies Order, 1956.

2. The Election Commission's notification No. 434/17/56, dated the 7th January, 1957, is hereby cancelled.

[No. 434/16/58.]

By order,

S. C. ROY, Secy.

MINISTRY OF FINANCE

(Department of Expenditure)

New Delhi, the 20th April 1959

S.O. 843.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby directs that the following further amendment shall be made in the Fundamental Rules, namely:—

In the Schedule to Rule 30 of the said Rules, the following entry shall be inserted at the end, namely:—

“(10) Category ‘B’ posts of the Central Secretariat Service in the Government of India Secretariat, when held by Grade II Officers of that service.”

This amendment shall be deemed to have come into force on the 1st November, 1951.

[No. 2 (11)-EIII/59.]

K. S. GANAPATI, Dy. Secy.

(Department of Economic Affairs)

New Delhi, the 16th April 1959

S.O. 844.—Statement of the Affairs of the Reserve Bank of India, as on the 10th April, 1959.

BANKING DEPARTMENT

Liabilities	Rs.	Assets	Rs.
Capital paid up	5,00,00,000	Notes	14,22,33,000
Reserve Fund	80,00,00,000	Rupee Coin	3,06,000
National Agricultural Credit (Long-term Operations) Fund	25,00,00,000	Subsidiary Coin	5,27,000
National Agricultural Credit (Stabilisation) Fund	3,00,00,000	Bills Purchased and Discounted :—	
Deposits :—		(a) Internal
(a) Government		(b) External
(1) Central Government	49,58,66,000	(c) Government Treasury Bills	34,26,00,000
(2) Other Governments	7,49,94,000	Balances held abroad*	35,93,35,000
(b) Banks	91,52,67,000	**Loans and Advances to Governments	35,99,06,000
(c) Others	118,29,42,000	Other Loans and Advances†	89,05.63 000
Bills Payable	25,23,28,000	Investments	211,50,89,000
Other Liabilities	39,59,75,000	Other Assets	23,68,13,000
TOTAL .	444,73,72,000	TOTAL	444,73,72,000

*Includes Cash & Short term Securities. **Includes Temporary Overdrafts to State Governments.

†The item 'Other Loans and Advances' includes Rs. 11,32,24,000/- advanced to scheduled banks against usance bills under Section 17 (4) (c) of the Reserve Bank of India Act.

Dated the 15th day of April, 1959.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 10th day of April 1959. -

ISSUE DEPARTMENT

Liabilities	Rs.	Rs.	Assets	Rs.	Rs.
Notes held in the Banking Department	14,22,33,000		A. Gold Coin and Bullion :—		
Notes in circulation	1764,48,26,000		(a) Held in India	117,76,03,000	
Total Notes issued		1778,70,59,000	(b) Held outside India	
			Foreign Securities	178,00,89,000	
			TOTAL OF A.		295,76,92,000
			B. Rupee Coin		131,69,10,000
			Government of India Rupee Securities		1351,24,57,000
			Internal Bills of Exchange and other commercial paper
TOTAL—LIABILITIES		1778,70,59,000	TOTAL—ASSETS		1778,70,59,000

Dated the 15th day of April, 1959.

H. V. R. IENGAR,
Governor.

[No. F 3(2)-BC/59].

A. BAKSI, Jt. Secy.

ERRATUM

In the Weekly Statement of Affairs of the Reserve Bank of India (Banking Department), as on 20th March 1959, published in the Gazette of India, Part II—Section 3(ii), dated 4th April 1959, as S.O. 708, on page 829, the following correction is to be made:—

In the Footnote of reference '†' the amount "Rs. 10,27,38,000" should be "Rs. 10,29,38,000".

(Department of Revenue)

ORDER

STAMPS

New Delhi, the 16th April 1959

S.O. 845.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits with effect from the 1st June 1958, the stamp duty chargeable on the following types of receipts issued by the Mysore Housing Board constituted under the Mysore Housing Board Act, 1955:—

(a) receipts issued to the contractors for:—

- (1) earnest monies received from contractors with the tenders;
- (2) security deposits from contractors for works;
- (3) cost of tender forms supplied to the contractors;
- (4) recovery of the cost of materials issued by the Board;
- (5) recovery of freight and other expenses paid by the Board on building materials for works;
- (6) recoveries of fines and penalties imposed on contractors;
- (7) deposits from parties for damage to the assets of the Board;
- (8) miscellaneous recoveries from contractors, such as on account of objection raised in audit reports;

(b) receipts issued to the tenants and other parties for monies received on account of:—

- (1) rent and service charges received from the tenants in respect of tenements allotted to them;
- (2) electricity consumption charges received from the tenants;
- (3) tenancy and electricity deposits received from the tenants;
- (4) stamp fees in respect of tenancy agreements and other agreements received from tenants and other parties;
- (5) recovery from the tenants and other parties towards cost of missing articles, breakage and damage to the fixtures, fittings and furniture provided in the tenements;
- (6) recovery of cost of suits, distress warrants and execution charges;
- (7) recovery of deposits and cost of works carried out by the Board on behalf of tenants and other parties;
- (8) recovery of compensation for unauthorised use of Board's tenements;
- (9) recovery of ground rent from the parties in respect of Board's land leased on hire;
- (10) recovery on account of sale of right of removing fruits from the trees, cutting and removing grass and removing fallen trees;
- (11) security deposits from the parties on account of sale as mentioned in item (10) above;
- (12) recovery on account of Hire Purchase instalment;
- (13) recovery of instalments (principal and interest) of loans and advances by the Board to parties, local bodies and co-operative institutions;
- (14) scrutiny fees;
- (15) initial deposits for building constructions;
- (16) earnest money furnished along with applications for construction of houses;
- (17) recoveries towards supervision charges;

(c) receipts issued to the Courts for monies received on account:—

- (1) amounts received from the Courts on account of cost of suits and deposits, deposited by the tenants in the Court and also Bhattas;
- (2) amounts received from the Courts on account of refund of cost of suits and deposits;

(d) receipts issued to the Board's employees on account of:—

- (1) security deposits from the Board's employees such as cashiers, rent collectors, drivers and store-keepers;
- (2) recovery from Board's employees on account of value of tools and plant, furniture and other articles lost by theft or breakage;
- (3) recovery from Board's employees on account of excess payment on account of travelling allowances, leave salary and other allowances;
- (4) recovery from Board's employees on account of contribution to General Provident Fund;
- (5) recovery from Board's employees on account of fines and forfeitures;

(e) receipts issued to Government and other offices on account of:—

- (1) money received from the Government in the form of loans or deposits or grant-in-aid;
- (2) money received from Government towards subsidy and advances against subsidy;
- (3) money received from Government and other offices on account of telephone charges, electricity charges, water consumption charges and scavenging charges, rent for tenements, advance of rent, hire purchase instalments, recoveries towards principal and interest towards houses allotted to officials;

(f) miscellaneous receipts:—

- (1) monies received by the Board on account of sale of residential application forms and plans and estimates;
- (2) deposits taken from the persons in respect of applications received for residential accommodation;
- (3) monies received on account of sale of unserviceable articles of office furniture and office equipment; and
- (4) monies received on account of sale of articles belonging to the Board.

[No. 9 F. No. 1/5/58-Stamps/Cus.VII.]

D. N. LAL, Under Secy.

CENTRAL BOARD OF REVENUE

INCOME-TAX

New Delhi, the 6th April 1959

S.O. 846.—In exercise of the powers conferred by sub-section (2) of section 5 of the Indian Income-tax Act, 1922 (11 of 1922) and in partial modification of all previous notifications on the subject the Central Board of Revenue hereby directs that with effect from 31st March 1959 (fore-noon) Shri S. P. Jain a Commissioner of Income tax, shall perform all the functions of Commissioner of Income-tax in respect of such areas or of such persons or classes of persons or such incomes or classes of incomes or such cases or classes of cases as are comprised in the Income-tax Circles, Wards or Districts in the State of West Bengal as specified below:—

1. Companies District I, Calcutta.
2. Companies District III, Calcutta.
3. Midnapur.
4. Asansol.

5. Refund Circle, Calcutta.
6. Howrah.
7. 24-Parganas.
8. Burdwan-Birbhum.
9. Jalpaiguri-Darjeeling.
10. Special Survey Circle VIII, Calcutta.
11. District VI, Calcutta.
12. District III(I), Calcutta.
13. Murshidabad-Nadia.
14. Hoogly.
15. Siliguri.
16. Cinema Circle, West Bengal.
17. District III-A, Calcutta.
18. Central Salary Circle, Calcutta.
19. Special Survey Circle VII, Calcutta.
20. Non-Companies (Income-tax-cum-Excess Profits Tax) District I, Calcutta.
21. District II(2), Calcutta.
22. Foreign Section, Calcutta.
23. Cooch-Bihar.
24. West Dinajpur-Malda.
25. Estate Duty-cum-Income-tax Circle, Calcutta.
26. Estate Duty-cum-Income-tax Circle (Mofussil), Calcutta.
27. State Duty-cum-Income-tax Circle, Jalpaiguri.
28. Purulia Bankura.
29. District III(3), Calcutta.
30. Project Circle, West Bengal.

Provided that he shall also perform his functions in respect of such persons or of such cases as have been or may be assigned by the Central Board of Revenue to any Income-tax Authority subordinate to him.

Provided further that he shall not perform his functions in respect of such persons or such cases as have been or may be assigned to any income-tax authority outside his jurisdictional area.

While performing the said functions the said Shri Jain be designated as the Commissioner of Income-tax West Bengal with headquarters at Calcutta.

Explanatory Note

NOTE.—The amendments have become necessary due to a change in the incumbent of Commissioner's post.

(The above note does not form a part of the notification but is intended to be merely clarificatory).

[No. 35(55)/27/59-IT.]

S.O. 847.—In exercise of the powers conferred by sub-section (2) of section 5 of the Indian Income-tax Act, 1922 (11 of 1922) and in partial modification of all previous notifications on the subject, the Central Board of Revenue hereby directs that Shri Syed Noora Commissioner of Income-tax, shall perform all the functions of Commissioner of Income-tax in respect of such areas or of such persons or classes of persons or such incomes or classes of incomes or such cases or classes of cases as are comprised in the following income-tax circles, Wards and Districts, namely:—

1. Rajkot Circle.
2. Bhavanagar Circle.
3. Jamnagar Circle.
4. Surendranagar Circle.

5. Junagadh Circle.
6. Amreli Circle.
7. Mori Circle.
8. Porbandar Circle.
9. Bhuj Circle.
10. Nasik Circle.
11. Jalgaon Circle.
12. Dhulia Circle.
13. Surat Circle.
14. Navsari Circle.
15. Broach Circle.
16. Nadiad Circle.
17. Godhra Circle.
18. Baroda Circle.
19. Special Circle, Baroda.
20. Potlad Circle.
21. Mehsana Circle.
22. Patan Circle.
23. Circle I, Ahmedabad.
24. Circle II, Ahmedabad.
25. Circle III, Ahmedabad.
26. Circle IV, Ahmedabad.
27. Special Circle, Ahmedabad.
28. Additional Special Investigation Circle, Ahmedabad.
29. Special Survey Circle, Ahmedabad.
30. Special Investigation Circle, Ahmedabad.
31. Palanpur Circle.
32. E. D. Cum I. T. Circle, Ahmedabad.
33. E. D. Cum I. T. Circle, Baroda.

Provided that he shall also perform his functions in respect of such persons or of such cases as have been or may be assigned by the Central Board of Revenue to any Income-tax Authority Subordinate to him

Provided further that he shall not perform his functions in respect of such persons or such cases as have been or may be assigned to any income-tax authority outside his jurisdictional area.

While performing the said functions the said Syed Noor shall be designated as the Commissioner of Income-tax, Bombay North with headquarters at Ahmedabad.

This notification shall be deemed to have taken effect from the 30th March, 1959 (after noon).

Explanatory Note

NOTE:—The amendments have become necessary on account of a change in the incumbent of the post of the Commissioner of Income-tax.

(The above note does not form a part of the notification but is intended to be merely clarificatory).

[No. 36(55)/27/59-IT.]

New Delhi, the 14th April 1959

S.O. 848.—In exercise of the powers conferred by sub-section (2) of section 5 of the Indian Income-tax Act, 1922 (11 of 1922), and in partial modification of all previous notifications on the subject the Central Board of Revenue hereby directs that with effect from 5th April 1959 (forenoon) Shri A. R. H. Naik shall perform all the functions of Commissioner of Income-tax in respect of such areas or of such persons or classes of persons or such incomes or classes of incomes or such cases or classes of cases as are comprised in the Income-tax Circles, Wards or Districts in the State of West Bengal as specified below:—

1. Companies District II, Calcutta.
2. Companies District IV, Calcutta.
3. District III(2), Calcutta.

4. Special Survey Circle I, Calcutta.
5. District V(I), Calcutta.
6. District I(I), Calcutta.
7. Non-companies (I.T. cum-E.P.T.) District II, Calcutta.
8. District IV(I), Calcutta.
9. District IV(3), Calcutta.
10. Special Survey Circle II, Calcutta.
11. Special Survey Circle III, Calcutta.
12. District V(II), Calcutta.
13. District I(2), Calcutta.
14. Special Survey Circle IV, Calcutta.
15. Project Circle, Calcutta.
16. District V-A, Calcutta.
17. Railways & Miscellaneous Salaries Circle, Calcutta.
18. District IV(2), Calcutta.
19. District II(I), Calcutta.
20. Cinema Circle, Calcutta.
21. Special Survey Circle IX, Calcutta.

Provided that he shall also perform his functions in respect of such persons or of such cases as have been or may be assigned by the Central Board of Revenue to any Income-tax Authority subordinate to him:

Provided further that he shall not perform his functions in respect of such persons or such cases as have been or may be assigned to any Income-tax Authority outside his jurisdictional area.

While performing the said functions the said Shri Naik shall be designated as the Commissioner of Income-tax Calcutta with headquarters at Calcutta.

Explanatory Note

Note.—The amendments have become necessary due to a change in the incumbent of Commissioner of Income-tax.

(The above note does not form a part of the notification but is intended to be merely clarificatory).

[No. 38 (F, No. 55/27/59.)

B. V. MUNDKUR, Under Secy.

MINISTRY OF COMMERCE AND INDUSTRY

(Department of Commerce)

New Delhi, the 18th April 1959

S.O. 849.—In pursuance of section 7 of the Khadi and Village Industries Commission Act, 1956 (61 of 1956), the Central Government hereby notifies the resignation of Shri Shriman Narayan from membership of the Khadi and Village Industries Commission.

[No. F. 4(2)/59-KVE.]

New Delhi, the 18th April 1959

S.O. 850.—In pursuance of section 7 of the Khadi and Village Industries Commission Act, 1956 (61 of 1956), the Central Government hereby notifies the resignation of Shri Shriman Narayan from membership of the Khadi and Village Industries Commission.

[No. F.4(2)/59-KVE.]

MRS. P. JOHARI, Dy. Secy.

ORDERS

New Delhi, the 18th April 1959

S.O. 851/RLIUR/18/1/(Am.)(I).—In pursuance of rule 18 of the Registration and Licensing of Industrial Undertakings Rules, 1952, and in partial modification of the notification of the Government of India in the Ministry of Commerce and Industry No. S.O. 454/RLIUR/18/1 dated the 19th February 1959, the Central Government hereby appoints Shri Madanmohan R. Ruia, President, Federation of Indian Chambers of Commerce and Industry, New Delhi, to be a member of the Reviewing Sub-Committee of the Central Advisory Council of Industries *vice* Shri B. P. Singh Roy resigned.

[No. 2 (1) IA (II)(G)/59.]

S.O. 852/IDRA/5/Am.(1).—In exercise of the powers conferred by section 5 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), the Central Government hereby appoints Shri Madanmohan R. Ruia, President, Federation of Indian Chambers of Commerce and Industry, New Delhi, as a member of the Central Advisory Council of Industries established by the Order of the Government of India in the Ministry of Commerce and Industry No. S.O. 216, dated the 20th January 1959, and directs that the following amendment shall be made in the said Order, namely—

In the said Order, under the heading "To represent the interests of consumers of goods manufactured or produced by scheduled industries" after entry No. 21 relating to Pt. H. N. Kunzru, the following entry shall be inserted, namely:—

"21A. Shri Madanmohan R. Ruia, President, Federation of Indian Chambers of Commerce and Industry,
Federation House, Barakhamba Road, New Delhi."

[No. 1(17)IA(II)(G)/59.]

K. C. MADAPPA, Dy. Secy.

(Indian Standards Institution)

New Delhi, the 16th April 1959

S.O. 853.—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the marking fee per unit for Drums for Paints, details of which are given in the Schedule hereto annexed, has been determined and fee shall come into force with effect from 20th April, 1959.

THE SCHEDULE

Sl. No.	Product/Class of Products	No. and title of relevant Indian Standard	Unit	Marking Fee per Unit
1	Drums for Paints	IS : 442-1954 Specification for Drums for Paints.	One drum	6 naye Paise

[No. MDC/11(6).]

S.O. 854—In pursuance of regulation 4 of the Indian Standards Institution (Certification Marks) Regulations, 1955 the Indian Standards Institution hereby notifies that amendments to the Indian Standards given in the Schedule hereto annexed have been issued under the powers conferred by sub-regulation (1) of regulation 3 of the said regulations.

THE SCHEDULE

Sl. No.	No. and title of the Indian Standard amended	No. & date of Gazette Notification in which the establishment of the Indian Standard was notified	No. & date of Amendment	Brief Particulars of Amendment	Date of effect of the amendment
(1)	(2)	(3)	(4)	(5)	(6)
1	IS : 252-1950 Specification for Caustic Soda, Technical (<i>Tentative</i>)	S. R. O. 658 dated 26 March 1955	No. 2 May 1959	In Amendment No. 1 June 1956, Table I, col (3) please read '2' for '2.5' against serial number (ii) and '3' for '2.5' against serial number (iii)	1st May 1959


Copies of this amendment slip are available, free of cost, with the Indian Standards Institution, 'Manak Bhavan', 9 Mathura Road, New Delhi-1, and also at its Branch Offices at (i) 40/40A Gawasji Patel Street, Fort, Bombay-1 ; (ii) P-11 Mission Row Extension, Calcutta-1 ; and (iii) 2/21 First Line Beach, Madras-1.

[No. MDC/11(9)]

S.O. 855—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955, the Indian Standards Institution hereby notifies that the Standard Mark, design of which together with the verbal description of the design and the title of the relevant Indian Standard is given in the Schedule hereto annexed, has been specified.

This Standard Mark, for the purpose of the Indian Standards Institution (Certification Marks Act, 1952 and the rules and regulations framed thereunder, shall come into force with effect from 20th April, 1959.

THE SCHEDULE

Design of the Standard Mark	No. and title of relevant Indian Standard	Verbal description of the design of the Standard Mark
(1)	(2)	(3)
	IS : 442-1954 Specification for drums for Paints.	The monogram of the Indian Standards Institution consisting of letters ISI, drawn in the exact style and relative proportions as indicated in column (1), the number designation of the Indian Standard being inscribed in the top side of the monogram and the words "DRUM ONLY" subscribed under the bottom side of the monogram

[No. MDC/11(5)]

New Delhi, the 20th April, 1959

S.O. 856—In pursuance of sub-regulations (2) and (3) of regulation 3 of the Indian Standards Institution (Certification Mark) Regulations, 1955, the Indian Standards Institution hereby notifies that the Indian Standards particulars of which are given in the Schedule hereto annexed, have been established during the period 1st to 15th April, 1959.

THE SCHEDULE

Sl. No.	No. and title of the Indian Standard established	No. and title of the Indian Standard or Standards, if any, superseded the new Indian Standard	Brief Particulars
(1)	(2)	(3)	(4)
1	IS : 224-1958 Specification for Pig Iron (Coke) (<i>Revised</i>)	IS : 224-1950 Specification for Pig Iron (Coke)	This specification covers pig iron (coke) manufactured by using coke in the blast furnace and in the electric smelting furnace (Price Rs. 1.50).
2	IS : 801-1958 Code of Practice for Use of Cold Formed Light Gauge Steel Structural Members in General Building Construction.	..	This code shall apply to the design, fabrication and erection of structural members cold formed to shape from sheet or strip steel less than 4.5 mm thick and used for load carrying purposes in buildings (Price Rs. 4.00).

(1)	(2)	(3)	(4)
3	IS : 901-1958 Specification for Couplings, Double Male and Double Female, Instantaneous Pattern, for Fire Fighting Purposes.	..	This standard lays down the requirements regarding material, shape and dimensions, construction and test of couplings, double male and double female, instantaneous pattern, used for fire fighting purposes. (Price Re. 1 00)
4	IS : 928-1958 Specification for Fire Bell		This standard lays down the requirements regarding materials, shape and dimensions, manufacture, workmanship and finish of 250 mm dia fire bell which is used on fire appliances and in the appliance rooms of stations for raising alarms at the time of receipt of fire call (Price Re. 1 00).
5	IS : 941-1958 Specification for Blower and Exhauster for Fire Fighting	.	This standard lays down the requirements regarding material design and performance of blower and exhauster. The purpose of blower and exhauster is to provide a supply of fresh clean air to firemen who may be working in unventilated places or alternatively, where there is accumulation of foul air, to exhaust fumes and smoke from storage tanks, ships' holds, godowns, living rooms and the like (Price Re. 1 00).
6	IS : 942-1958 Specification for 275-1/min (or 60-gal/min) Portable Pump Set for Fire Fighting.		This standard lays down the requirements regarding material and design of 275 1/min (or 60-gal/min) portable pump set for fire fighting (Price Re 1 00)
7	IS : 958-1958 Specification for Temporary Corrosion Preventive Grease, Soft Film, Cold Application.	.	This standard prescribes the requirements and the methods of test for temporary corrosion preventive, grease, soft film, cold application, suitable for protection of clean metal surfaces during transport and storage (Price Rs. 1 50)
8	IS : 985-1958 Specification for Lead-Acid Storage Batteries (Heavy Duty) for Motor Vehicles.		This standard covers methods of tests, performance and other requirements of lead-acid storage batteries of 6 and 12 volts (commonly known as 'heavy duty' batteries) used as a source of energy for starting, ignition, lighting and other auxiliary purposes for internal combustion engine (petrol or diesel) propelled vehicles used in public transport and commercial services (Price Rs 2 00)
9	IS : 1117-1958 Specification for One-Mark Pipettes.	.	This standard prescribes the requirements and the methods of test for One-mark pipettes, which are used for delivering fixed quantities of liquids (Price Rs. 2 00).

(1)	(2)	(3)	(4)
10	IS : 1152-1958 Specification for Icing Sugar.	..	This standard prescribes the requirements and the methods of test for icing sugar (Price Rs. 1.50).
11	IS : 1285-1958 Specification for Wrought Aluminium and Aluminium Alloys, Extruded Round Tube and Hollow Sections (For General Engineering Purposes).	..	This standard covers requirements of three grades of aluminium and ten aluminium alloys in the form of extruded round tube and hollow sections (Price Rs. 3.00).
12	IS : 1292-1958 Specification for Mortar for Laying Silica Bricks.	..	This standard covers the requirements for mortars used for laying silica bricks (Price Re. 1.00).
15	IS : 1296-1958 Specification for Pressure Feet for Sewing Machines.	..	This standard covers the requirements for hinged type pressure feet for sewing machines of the so-called household pattern (Price Re. 1.00).

Copies of these Indian Standards are available for sale with the Indian Standards Institution 'Manak Bhavan', 9 Mathura Road, New Delhi-1 and also at its Branch Offices at (i) 40/40A Cawasji Patel Street, Fort, Bombay-1; (ii) P-11 Mission Row Extension, Calcutta-1; and (iii) 2/21 First Line Beach, Madras -1.

[No. MDC/11(4)]

C. N. MODAWAL,
Deputy Director (Marks).

ERRATA

The S. O. No. of Order No. 4(21)IA(II) (G)/59, of the Ministry of Commerce and Industry, dated 1st April, 1959, published at page 871 in the Gazette of India Part II—Section 3(ii) dated 11th April, 1959, should be "S.O. 758/IDRA/6/12" instead of "S.O. 757/IDRA/6/11".

CENTRAL EXCISE COLLECTORATE, DELHI.

CENTRAL EXCISE

New Delhi, the 18th April 1959

S. O. 857.—In exercise of the powers conferred on me under Rule 5 of the Central Excise Rules, 1944, I empower the officers of Central Excise, Collectorate, Delhi, Specified in Column 1 of the subjoined table to exercise within their respective jurisdictions, the power of a collector under the Rule enumerated in column-2.

TABLE

Rank of Officer	Central Excise Rules	Limitation if any
Assistant Collector	12—A	They shall grant rebate in cases where exports relate to ports other than the major ports.

[C. No. IV (16)/14/59 17988]

B. D. DESHMUKH, Collector

**OFFICE OF THE ASSISTANT COLLECTOR OF CENTRAL EXCISE AND LAND
CUSTOMS GOA FRONTIER DIVISION, BELGAUM**

NOTICES

Belgaum, the 11th April 1959

S.O. 858.—Whereas it appears that the marginally noted goods which were

	B. Mds.	Srs.	seized by the Inspector, Central Excise, Banda in
(1) Betelnuts	9	20	the jurisdiction of Ch. 30 in the vicinity of the
(2) Cloves	0	8	Indo-Goa border on 11th February, 1958 were imported

 by Land from Goa (Portuguese Possessions in India)
 in contravention of Section 5(1) of the Land Customs Act, 1924 and the Govern-
 ment of India, Ministry of Commerce and Industries, Import Control Order
 No. 17/55 dated 7th December, 1955 issued under Section 3 of the Imports and
 Exports Control Act, 1947 and further deemed to have been issued under Section 19
 of the Sea Customs Act, 1878 (in respect of items 1 and 2 noted in the margin)..

2. Now therefore, any person claiming the goods is hereby called upon to show
 cause to the Assistant Collector of Central Excise and Land Customs Goa Frontier
 Division, Belgaum why the above-mentioned goods should not be confiscated under
 Section 5(3) of the Land Customs Act, 1924 read with Section 167(8) of the Sea
 Customs Act, 1878, and why a penalty should not be imposed on him under Sec-
 tion 7(i)(c) of the Land Customs Act, 1924 read with Section 167(8) of the Sea
 Customs Act, 1878.

3. If such a owner fails to turn up to claim the above-mentioned unclaimed
 goods or to show cause against the action proposed to be taken within 30 days
 from the publication of this notice in the Government of India Gazette, the goods
 in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII(b)10-81/58.]

S.O. 859.—Whereas it appears that the marginally noted goods which were

1. Battery bulbs	3000	seized by the Jamadar, Ch. No. 41, Dodamarg
2. Press buttons	144 Grs.	Circle in the vicinity of the Indo-Goa border on
3. 7 O'clock blades	950	13th September, 1958, were imported by Land from
4. Mechanical lighters	364 Doz.	Goa (Portuguese possessions in India) in contra-
5. China crackers	2 boxes.	vention of Section 5(1) of the Land Customs Act,

 1924 and the Government, of India Ministry of Commerce and Industries, Import
 Control Order No. 17/55 dated 7th December, 1955, issued under Section 3 of the
 Imports and Exports Control Act, 1947, and further deemed to have been issued
 under Section 19 of the Sea Customs Act, 1878 (in respect of items 1, 2, 3, noted in
 the margin).

Government of India, Ministry of Finance, Department (CR) Notification
 No. 17/Cus/dt. 7th March, 1936 as amended by Ministry of Finance R.D. Notifica-
 tion No. 19/Cus. dt. 22nd January, 1952, issued under Section 19 of the Sea
 Customs Act, 1878 (in respect of item No. 4 noted in the margin). Government of
 India F.D.C.R. Notification No. 64/a dated 17th September, 1932, as amended (in
 respect of Chine crackers at item 5 in the margin).

2. Now therefore, any person claiming the goods is hereby called upon to show
 cause to the Asstt. Collector of Central Excise and Land Customs Goa Frontier
 Division, Belgaum why the abovementioned goods should not be confiscated
 under Section 5(3) of the Land Customs Act, 1924, read with Section 167(8) of the
 Sea Customs Act, 1878, and why a penalty should not be imposed on him under
 Section 7(i)(c) of the Land Customs Act, 1924 read with Section 167(8) of the
 Sea Customs Act, 1878.

3. If such a owner fails to turn up to claim the above-mentioned unclaimed
 goods or to show cause against the action proposed to be taken within 30 days
 from the publication of this notice in the Government of India Gazette, the goods
 in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII(b)10-368/58.]

S.O. 860.—Whereas it appears that the marginally noted goods which were seized by the Jamadar, Ch. No. 42 at a place known as "Chinchecho Haral" in the vicinity of the Indo-Goa border on the 21st July, 1958 were imported by Land from Goa (Portuguese Possession in India) in contravention of Section 5(1) of the Land Customs Act, 1924 and the Government of India, Ministry of Commerce and Industries, Import Control Order No. 17/55, dated the 7th December, 1955 issued under Section 3 of the Imports and Exports Control Act, 1947 and further deemed to have been issued under Section 19 of the Sea Customs Act, 1878 (in respect of item one noted in the margin).

2. Now, therefore, any person claiming the goods is hereby called upon to show cause to the Assistant Collector of Central Excise and Land Customs, Goa Frontier Division, Belgaum why the above-mentioned goods should not be confiscated under Section 5(3) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878 and why a penalty should not be imposed on him under Section 7(i) (c) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878.

3. If such a owner fails to turn up to claim the above-mentioned unclaimed goods or to show cause against the action proposed to be taken within 30 days from the publication of this notice in the Government of India Gazette, the goods in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII(b)10-369/58.]

S.O. 861.—Whereas it appears that the marginally noted goods which were seized by the Sub-Inspector, Ch. 24, Dodamarg Circle at a place known as Pelpi in the vicinity of the Indo-Goa border on the 6th July, 1958 were imported by Land from Goa (Portuguese Possessions in India) in contravention of Section 5(1) of the Land Customs Act, 1924 and the Government of India, Ministry of Commerce and Industries, Import Control Order No. 17/55, dated the 7th December, 1955 issued under Section 3 of the Imports and Exports Control Act, 1947 and further deemed to have been issued under Section 19 of the Sea Customs Act, 1878 (in respect of item one noted in the margin).

2. Now, therefore, any person claiming the goods is hereby called upon to show cause to the Assistant Collector of Central Excise and Land Customs, Goa Frontier Division, Belgaum why the above-mentioned goods should not be confiscated under Section 5(3) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878 and why a penalty should not be imposed on him under Section 7(i) (c) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878.

3. If such a owner fails to turn up to claim the above-mentioned unclaimed goods or to show cause against the action proposed to be taken within 30 days from the publication of this notice in the Government of India Gazette, the goods in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII(b)10-366/58.]

Belgaum, the 13th April 1959

S.O. 862.—Whereas it appears that the marginally noted goods which were seized by the Inspector, F. S. Karwar with the assistance of Inspector, F. S. Ankola, and Police at Aversa, on the 10th October, 1958 were imported by Land from Goa (Portuguese Possessions in India) in contravention of Section 5(1) of the Land Customs Act, 1924 and the Government of India, Ministry of Commerce and Industries, Import Control Order No. 17/55, dated the 7th December, 1955 issued under Section 3 of the Imports and Exports Control Act, 1947 and further deemed to have been issued under Section 19 of the Sea Customs Act, 1878.

2. Now therefore, any person claiming the goods is hereby called upon to show cause to the Assistant Collector of Central Excise and Land Customs, Goa Frontier Division, Belgaum, why the above-mentioned goods should not be confiscated under Section 5(3) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878 and the 37 gunny bags under Section 168 of the Sea Customs, 1878, and why a penalty should not be imposed on him under Section 7(i)(c) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878.

3. If such a owner fails to turn up to claim the above-mentioned unclaimed goods or to show cause against the action proposed to be taken within 30 days from the publication of this notice in the Government of India Gazette, the goods in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII(B)10-8/59.]

S.O. 863.—Whereas it appears that the marginally noted goods which were
(1) 12 Double Khujas with seized by the S.R.P. Party posted at
Goa Country liquor. Devgad at a place known as Mavin
(2) One unnumbered toney. Mole Creek on the 3rd February,
1959, were imported by Sea from Goa
(Portuguese Possessions in India) in contravention of the Government of India,
Ministry of Finance (C.R.) Notification No. 2-Camp-Cus., dated the 26th January,
1946 issued under Section 19 of the Sea Customs Act, 1878 (in respect of item
No. 1 noted in the margin).

2. Now, therefore, any person claiming the goods is hereby called upon to show cause to the Assistant Collector of Central Excise and Land Customs, Goa Frontier Division, Belgaum, why the above-mentioned goods should not be confiscated under Section 5(3) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878 and the toney under Section 168 of the Sea Customs Act, 1878 and why a penalty should not be imposed on him under Section 7(i)(c) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878.

3. If such a owner fails to turn up to claim the above-mentioned unclaimed goods or to show cause against the action proposed to be taken within 30 days from the publication of this notice in the Government of India Gazette, the goods in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII(b)10-194/59.]

S.O. 864.—Whereas it appears that the marginally noted goods which were
Mds. Srs. seized by the Police Party at Gokarn
(1) 8 bags of betelnuts 8 19 at a place known as Doddaka at
Dhubanshishi village, in the vicinity
of the Indo-Goa Sea Frontage on the
3rd June, 1958 were imported by Sea
from Goa (Portuguese Possessions in India) in contravention of the Government
of India, Ministry of Commerce and Industries, Import Control Order No. 17/55,
dated the 7th December, 1955 issued under Section 3 of the Imports and Exports
Control Act, 1947 and further deemed to have been issued under Section 19
of the Sea Customs Act, 1878 (in respect of item one noted in the margin).

2. Now, therefore, any person claiming the goods is hereby called upon to show cause to the Assistant Collector of Central Excise and Land Customs, Goa Frontier Division, Belgaum why the above-mentioned goods should not be confiscated under Section 5(3) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878 and why a penalty should not be imposed on him under Section 7(i)(c) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878.

3. If such a owner fails to turn up to claim the above-mentioned unclaimed goods or to show cause against the action proposed to be taken within 30 days from the publication of this notice in the Government of India Gazette, the goods in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII(b)10-351/58.]

S.O. 865.—Whereas it appears that the marginally noted goods which were

	Mds.	Srs.
(1) Goa betelnuts	6	12
(2) Constantino Portuguese brandy	11	bottles.

seized by the Inspector, Central Excise, Chikhali with the assistance of S.R.P. Party at a place known as 'Sateyacha Mal' in the vicinity of the Indo-Goa border on the 4th November, 1958 were imported by Land

from Goa (Portuguese Possessions in India) in contravention of the Section 5(i) of the Land Customs Act, 1924 and the Government of India, Ministry of Commerce and Industries, Import Control Order No. 17/55 of the 7th December, 1955 issued under Section 3 of the Imports and Exports Control Act, 1947 and further deemed to have been issued under Section 19 of the Sea Customs Act, 1878 (in respect of items one and two noted in the margin).

2. Now, therefore, any person claiming the goods is hereby called upon to show cause to the Assistant Collector of Central Excise and Land Customs, Goa Frontier Division, Belgaum why the above-mentioned goods should not be confiscated under Section 5(3) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878 and why a penalty should not be imposed on him under Section 7(i) (c) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878.

3. If such a owner fails to turn up to claim the above-mentioned unclaimed goods or to show cause against the action proposed to be taken within 30 days from the publication of this notice in the Government of India Gazette, the goods in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII(b)10-414/58]

Belgaum, the 14th April 1959

S.O. 866.—Whereas it appears that the marginally noted goods which were

	Mds.	Srs.
(1) Surai Betelnuts	6	33

seized by the S.R.P. Head Constable at a place known as Bandik, in the jurisdiction of Ch. No. 41 in the vicinity of the Indo-Goa border on

the 18th October, 1958 were imported by Land from Goa (Portuguese Possessions in India) in contravention of Section 5(1) of the Land Customs Act, 1924, and the Government of India, Ministry of Commerce and Industries, Import Control Order No. 17/55, dated the 7th December, 1955, issued under Section 3 of the Imports and Exports Control Act, 1947, and further deemed to have been issued under Section 19 of the Sea Customs Act, 1878.

2. Now, therefore, any person claiming the goods is hereby called upon to show cause to the Assistant Collector of Central Excise and Land Customs, Goa Frontier Division, Belgaum why the above-mentioned goods should not be confiscated under Section 5(3) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878 and why a penalty should not be imposed on him under Section 7(i) (c) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878.

3. If such a owner fails to turn up to claim the above-mentioned unclaimed goods or to show cause against the action proposed to be taken within 30 days from the publication of this notice in the Government of India Gazette, the goods in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII(b)10-425/58.]

S.O. 867.—Whereas it appears that the marginally noted goods which were

	Mds.	Srs.
(1) Betelnuts	4	20
(2) Country liquor	2	bottles.

seized by the Inspector, Central Excise, Chorla on the bank of Malaprabha river on the 10th July, 1958, were imported by Land from Goa (Portuguese Possessions in India) in

contravention of Section 5(1) of the Land Customs Act, 1924, and the Government of India, Ministry of Commerce and Industries, Import Control Order No. 17/55, dated the 7th December, 1955, issued under Section 3 of the Imports and Exports Control Act, 1947, and further deemed to have been issued under Section 19 of the Sea Customs Act, 1878 (in respect of item 1 noted in the margin).

Government of India, Ministry of Finance (C.R.) Notification No. 2—Camp-Cus., dated the 28th January, 1946, issued under Section 19 of the Sea Customs Act, 1878 (in respect of item No. 2 noted in the margin).

2. Now, therefore, any person claiming the goods is hereby called upon to show cause to the Assistant Collector of Central Excise and Land Customs, Goa Frontier Division, Belgaum why the above mentioned goods should not be confiscated under Section 5(3) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878 and why a penalty should not be imposed on him under Section 7(i)(c) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878.

3. If such a owner fails to turn up to claim the above mentioned unclaimed goods or to show cause against the action proposed to be taken within 30 days from the publication of this notice in the Government of India Gazette, the goods in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII(b)10-427/58.]

S.O. 868.—Whereas it appears that the marginally noted goods which were seized by the Jamadar, Ch. No. 36 at a place known as Dongarpal village in the vicinity of the Indo-Goa Border on the 1st January, 1959, were imported by land from Goa (Portuguese Possessions in India) in contravention of Section 5(1) of the Land Customs Act, 1924 and the Government of India, Ministry of Commerce and Industries Import Control order No. 17/55 dated 7th December, 1955 issued under Section 3 of the Imports and Exports Control Act, 1947 and further deemed to have been issued under Section 19 of the Sea Customs Act, 1878.

2. Now, therefore, any person claiming the goods is hereby called upon to show cause to the Assistant Collector of Central Excise and Land Customs, Goa Frontier Division, Belgaum why the above mentioned goods should not be confiscated under Section 5(3) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878 and the 5 gunny bags under Section 168 of the Sea Customs Act, 1878 and why a penalty should not be imposed on him under Section 7(i)(c) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878.

3. If such a owner fails to turn up to claim the above mentioned unclaimed goods or to show cause against the action proposed to be taken within 30 days from the publication of this notice in the Government of India Gazette, the goods in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII(b)10/49/59.]

S.O. 869.—Whereas it appears that the marginally noted goods which were seized by the Inspector, Flying Squad, Ankola on Karwar, Hubli, S.T. Bus MYG-4706 at Ankola S.T. Stand on the 7th January, 1959 were imported by land from Goa (Portuguese Possession in India) in contravention of Section 5(1) of the Land Customs Act, 1924 and the Government of India, Ministry of Commerce and Industries, Import Control Order No. 17/55, dated the 7th December, 1955 issued under Section 3 of the Imports and Exports Control Act, 1947 and further deemed to have been issued under Section 19 of the Sea Customs Act, 1878 (in respect of item one noted in the margin).

2. Now, therefore, any person claiming the goods is hereby called upon to show cause to the Assistant Collector of Central Excise and Land Customs, Goa Frontier Division, Belgaum why the above mentioned goods should not be confiscated under Section 5(3) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878 and the articles at S. No. 2 to 5 under Section 168 of the Sea Customs Act, 1878 and why a penalty should not be imposed on him under Section 7(i)(c) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878.

3. If such a owner fails to turn up to claim the above mentioned unclaimed goods or to show cause against the action proposed to be taken within 30 days from the publication of this notice in the Government of India Gazette, the goods in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII(b)10-76/59.]

S.O. 870.—Whereas it appears that the marginally noted goods which were seized by the Jamadar, Ch. No. 48, Matna beat, at a place known as 'Ghollye' in the vicinity of the Indo-Goa border on the 10th January, 1959 were imported by land from Goa (Portuguese Possessions in India) in contravention of Section 5(1) of the Land Customs Act, 1924 and the Government of India, Ministry of Commerce and Industries, Import Control Order No. 17/55, dated the 7th December, 1955 issued under Section 3 of the Imports and Exports Control Act, 1947 and further deemed to have been issued under Section 19 of the Sea Customs Act, 1878.

2. Now, therefore, any person claiming the goods is hereby called upon to show cause to the Assistant Collector of Central Excise and Land Customs, Goa Frontier Division, Belgaum why the above mentioned goods should not be confiscated under Section 5(3) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878 and why a penalty should not be imposed on him under Section 7(i)(c) of the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act, 1878.

3. If such a owner fails to turn up to claim the above mentioned unclaimed goods or to show cause against the action proposed to be taken within 30 days from the publication of this notice in the Government of India Gazette, the goods in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII(b)10-78/59.]

E. R. SRIKANTIA, Asstt. Collector.

MINISTRY OF TRANSPORT AND COMMUNICATIONS

(Department of Communications)

New Delhi, the 16th April 1959

S.O. 871.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following amendment to the rules for recruitment to the posts of Exchange Inspectors Grade I and other equivalent posts in the Telephone Districts at Bombay, Calcutta and Madras published with the notification of the Government of India in the late Ministry of Communications' No. STA.117-14/49, dated the 19th May 1953, namely:—

In Appendix 'A' to the said notification, under 'Paper II', for Part D, the following shall be substituted namely:—

"PART D—FOR PROMOTION TO THE GRADE OF EXCHANGE INSPECTOR GRADE A, AND INSTALLATION INSPECTORS, GRADE A IN THE CALCUTTA TELEPHONE DISTRICT."

Telephony.—This will cover the following:—

1. Different types of Receivers and Transmitters, Magneto and C.B. system, circuit and details and function of components, Telephone Relays their use and adjustments, M.D.F. and I.D.F., Ringer and power plants in Exchanges, Meter and Meter Circuits, Batteries and their maintenance.
2. Routine tests and maintenance of telephone Exchanges—principles of junction working-PBX-protective devices.
3. Routine testing of lines, principles of G.P.O. detectors and their use.
4. Automatic switching system (non-director) Outline of step-by-step system. Circuits elements of uniselector, group selector a final selector. Subscriber's dial. Impulsing, stepping, Hunting, Testing.

Switching, Holding, Speaking, Release and metering circuit elements. Tones, rings and alarm system in automatic exchange. Simple grading between selectors Trunk Distribution Frame. Trunking diagrams.

5. Director System—General principles, advantages of the system, simple concept of the Director Trunking schemes."

[No. STA 96-1/58-NM.]

B. G. DESHMUKH, Under Secy.

MINISTRY OF STEEL, MINES AND FUEL

(Department of Mines and Fuel)

ERRATUM

In the schedule to Notification No. S.O. 138 dated the 7th January, 1959, published in Part II—Section 3 Sub-section (ii) of the Gazette of India, dated the 17th January, 1959, for the following printing errors noted in Column 2 of the Schedule appended hereto, corrections may be made as noted against each in the column 3 of the said Schedule—

SCHEDULE

	1	2	3
Page 139 .	Plot No. in village Bandh.	1424 (Part).	1424
	Plot No. in village Kathara	406 (Part)	406
	Plot No. in village Kathara	408 (Part)	408

[No. C2-20(28)/58].

MINISTRY OF FOOD AND AGRICULTURE

(Department of Agriculture)

New Delhi, the 17th March 1959

S.O. 872.—In exercise of the powers conferred by section 6 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), the Central Government hereby declares that the provisions of the said Act shall apply to the following articles namely:—

Sisal and Aloc Fibres.

[No. F. 14-221/58-A.M.]

V. S. NIGAM, Under Secy.

(Department of Agriculture)

(Indian Council of Agricultural Research)

New Delhi, the 3rd April 1959

S.O. 873.—In pursuance of the provisions of clause (d) of Section 4 of the Indian Coconut Committee Act, 1944 (10 of 1944) the Government of Orissa have renominated Shri S. S. S. Venkata Rao, Coconut Research and Development Officer, Orissa as a member of the Indian Central Coconut Committee for a period of 3 years with effect from 1st April 1959.

[No. 8-4/59-Com.I.]

AJUDHIA PRASADA, Under Secy.

MINISTRY OF EDUCATION*New Delhi, the 20th April, 1959*

S.O. 874.—In exercise of the powers conferred by sub-rule (2) of rule 11, clause (b) of sub-rule (2) of rule 14 and sub-rule (1) of rule 23 of the Central Civil Services (Classification, Control and Appeal) Rules, 1957, the President hereby makes the following amendments in the Schedule to the notification of the Government of India in the Ministry of Education No. S. R. O. 622 dated the 28th February, 1957, namely:—

In Parts I, II and III of the said Schedule, the following headings and all the entries relating thereto shall be omitted, namely:—

"Central Braille Press, Dehra Dun,"

"Central Institute of Basic Education, Delhi,"

"National Archives, New Delhi,"

"National Institute of Basic Education, New Delhi,"

"National Fundamental Education Centre, New Delhi,"

"Training Centre for the Adult Blind, Dehra Dun."

[No. F. 1-23/55-O&M.]

S.O. 875.—In exercise of the powers conferred by sub-rule (2) of rule 11, clause (b) of sub-rule 2 of rule 14 and sub-rule (1) of rule 23 of the Central Civil Services (Classification, Control and Appeal) Rules, 1957, the President hereby directs that

- (1) in respect of the posts in the General Central Services, Class II, specified in column 1 of Part I of the Schedule to this order, the authority specified in column 2 shall be the Appointing Authority and the authority specified in column 3 shall be the disciplinary Authority in regard to the penalties specified in column 4;
- (2) in respect of the posts in the General Central Service, Class III and the General Central Service, Class IV, specified in column 1 of Parts II and III of the said Schedule, the authority specified in column 2 shall be the Appointing Authority and the authorities specified in columns 3 and 5 shall be the Disciplinary Authority and Appellate Authority respectively in regard to the penalties specified in column 4.

SCHEDULE*Part I—General Central Service, Class II*

Description of post	Appointing authority	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in rule 13)	
		Authority	Penalties
I	2	3	4
MINISTRY OF EDUCATION			
<i>Secretariat</i>			
All Gazetted Posts	Secretary, Ministry of Education.	Secretary, Ministry of Education.	All
All Non-gazetted Posts	Joint Secretary, Ministry of Education.	Joint Secretary, Ministry of Education.	All
<i>Central Braille Press, Dehra Dun</i>			
All Gazetted Posts	Secretary, Ministry of Education.	Secretary, Ministry of Education.	All
All Non-gazetted posts	Joint Secretary, Ministry of Education.	Joint Secretary, Ministry of Education.	All

1	2	3	4
<i>Central Institute of Education, Delhi.</i>			
All Gazetted posts	Secretary, Ministry of Education.	Secretary, Ministry of Education.	All
All Non-gazetted posts	Joint Secretary, Ministry of Education.	Joint Secretary, Ministry of Education.	All
<i>National Archives of India, New Delhi.</i>			
All Gazetted posts	Secretary, Ministry of Education.	Secretary, Ministry of Education.	All
All Non-gazetted posts.	Joint Secretary, Ministry of Education.	Joint Secretary, Ministry of Education.	All
<i>National Fundamental Education Centre, New Delhi.</i>			
All Gazetted posts	Secretary, Ministry of Education.	Secretary, Ministry of Education.	All
All Non-gazetted posts	Joint Secretary, Ministry of Education.	Joint Secretary, Ministry of Education.	All
<i>National Institute of Basic Education, New Delhi.</i>			
All Gazetted posts	Secretary, Ministry of Education.	Secretary, Ministry of Education.	All
All Non-gazetted posts	Joint Secretary, Ministry of Education.	Joint Secretary, Ministry of Education.	All
<i>Training Centre for the Adult Blind, Dehra Dun.</i>			
All Gazetted posts	Secretary, Ministry of Education.	Secretary, Ministry of Education.	All
All Non-gazetted posts	Joint Secretary, Ministry of Education.	Joint Secretary, Ministry of Education.	All

Part II —General Central Service,* Class III

Description of post.	Appointing authority	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in rule 13)		
		Authority	Penalties	
1	2	3	4	5
<i>Secretariat</i>				
All posts.	Deputy Secretary (Admn.) Ministry of Education	Deputy Secretary (Admn.) Ministry of Education.	All	Joint Secretary, Ministry of Education.
<i>Central Braille Press, Dehra Dun.</i>				
All posts.	Deputy Educational Adviser, Ministry of Education.	Deputy Educational Adviser, Ministry of Education.	All	Joint Secretary, Ministry of Education.
<i>Central Institute of Education, Delhi.</i>				
All Posts.	Principal	Principal	All	Joint Secretary, Ministry of Education.
<i>National Archives of India, New Delhi.</i>				
All posts.	Director of Archives.	Director of Archives	All	Joint Secretary, Ministry of Education.

1	2	3	4	5
<i>National Fundamental Education Centre, New Delhi.</i>				
All posts.	Deputy Educational Adviser, Ministry of Education.	Deputy Educational Adviser, Ministry of Education.	All	Joint Secretary, Ministry of Education.
<i>National Institute of Basic Education, New Delhi.</i>				
All posts.	Deputy Educational Adviser, Ministry of Education.	Deputy Educational Adviser, Ministry of Education.	All	Secretary, Ministry of Education.
<i>Training Centre for the Adult Blind, Dehra Dun.</i>				
All posts.	Deputy Educational Adviser, Ministry of Education.	Deputy Educational Adviser, Ministry of Education.	All	Joint Secretary, Ministry of Education.
<i>Part III —General Central Service, Class IV.</i>				
<i>Central Braille Press, Dehra Dun.</i>				
All posts.	Assistant Educational Adviser, Ministry of Education.	Assistant Educational Adviser, Ministry of Education.	All	Deputy Educational Adviser, Ministry of Education.
<i>Central Institute of Education, Delhi.</i>				
All posts.	Principal	Principal	All	Joint Secretary, Ministry of Education.
<i>National Archives of India, New Delhi.</i>				
All posts.	Director of Archives.	Director of Archives.	All	Joint Secretary, Ministry of Education.
<i>National Fundamental Education Centre, New Delhi.</i>				
All posts.	Director	Director.	All	Deputy Educational Adviser, Ministry of Education.
<i>National Institute of Basic Education, New Delhi.</i>				
All posts.	Assistant Educational Adviser, Ministry of Education.	Assistant Educational Adviser, Ministry of Education.	All	Deputy Educational Adviser, Ministry of Education.
<i>Training Centre for Adult Blind, Dehra Dun.</i>				
All posts.	Assistant Educational Adviser, Ministry of Education.	Assistant Educational Adviser, Ministry of Education.	All	Deputy Educational Adviser, Ministry of Education.

MINISTRY OF RAILWAYS
(Railway Board)

ORDER

New Delhi, the 11th April 1959

S.O. 876.—In exercise of the powers conferred by rule I of Order XXVII of the First Schedule to the Code of Civil Procedure, 1908 (5 of 1908) read with section 141 of the said Code, the Central Government hereby appoints the Engineer in Chief, Indian Railways Locomotive Component Works, Varanasi to sign and verify plaints, and written statements and the act for the Government in any suit or other proceedings by or against the Central Government in respect of Locomotive Component Works, Varanasi

[No E(G)99LL2-22]

New Delhi, the 11th April 1959

S.O. 877.—It is hereby notified for general information that the Engineer-in-Chief, Indian Railways Locomotive Component Works, Varanasi is ex Officio authorised to act for and on behalf of the Central Government in respect of all judicial proceedings in which the Locomotive Component Works may be concerned

[No E(G)59LL2-22]

R E de Sa, Secy.

MINISTRY OF WORKS, HOUSING & SUPPLY

New Delhi, the 11th April 1959

S.O. 878.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958 (32 of 1958), the Central Government hereby makes the following amendment in the notification to the Government of India in the Ministry of Works, Housing and Supply No S.O. 307 dated the 28th January, 1959, namely—

In the Table below the said notification, in column 1, against Serial No 38 the existing entry shall be lettered as (a) and after entry (a) as so lettered, the following entry shall be inserted, namely—

“(b) Shri Amba Prakash, U.P.C.S., Property Manager, Delhi Development Authority”

[No 14/6/58-Acc]

B D KUMAR, Dy Secy

MINISTRY OF REHABILITATION

(Office of the Chief Settlement Commissioner)

New Delhi, the 14th April 1959

S.O. 879.—In exercise of the powers conferred on me by Sub-Section (2) of Section 10 of the Displaced Persons (Claims) Supplementary Act, 1954 (12 of 1954) I have delegated to Shri M. L. Vih, Settlement Commissioner w.e.f. the 3rd April, 1959, the following powers of the Chief Settlement Commissioner—

- 1 Power to call for the record of any case decided by the Settlement Officer and pass order in the case under provision to Sub-Section (3) of Section 4 of the said Act
- 2 Special power of revision under Section (5) of the said Act, in respect of cases decided under the Displaced Persons (Claims) Act, 1950 (44 of 1950)

[No 11-A(55)/CSC/AI-59-II]

S.O. 880.—In exercise of the powers conferred on me by Sub-Section (2) of Section 10 of the Displaced Persons (Claims) Supplementary Act, 1954 (12 of 1954) I have delegated to Shri M. L. Vih, Settlement Commissioner, with effect from the 3rd April, 1959, the following powers of the Chief Settlement Commissioner namely—

- 1 Power to transfer cases to Settlement Officers by general or special order under Sub-Section (1) of Section 4 of the said Act

2. Power to require a Settlement Officer to appoint one or more persons to advise him in any proceeding pending before him, under Sub-Section (2) of Section 6 of the said Act.
3. Power to transfer any case pending before a Settlement Officer to another Settlement Officer under Section 7 of the said Act.

[No. 11-A(55)/CSC/AI-59-III.]

S.O. 881.—In exercise of the powers conferred on me by sub-Section (2) of Section 34 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (44 of 1954), I hereby delegate to Shri M. L. Vijn, Settlement Commissioner w.e.f. the 3rd April, 1959 the following powers of the Chief Settlement Commissioner:—

1. Power to hear appeals under Section 23 of the said Act.
2. Power to hear revisions under Section 24 of the said Act.

[No. 11-A(55)/CSC/AI-59-IV.]

New Delhi, the 16th April 1959

S.O. 882.—In exercise of the powers conferred on me by sub-Section (2) of Section 10 of the Displaced Persons (Claims) Supplementary Act, 1954 (12 of 1954), I have delegated to Shri C. P. Sapra, Settlement Commissioner with effect from the 6th April, 1959, the following powers of the Chief Settlement Commissioner:—

1. Power to call for the record of any case decided by the Settlement Officer and pass order in the case under provision to sub-section (3) of Section 4 of the said Act.
2. Special power of revision under Section (5) of the said Act, in respect of cases decided under the Displaced Persons (Claims) Act, 1950 (44 of 1950).

[No. 11-A(53)/CSC/AI-59-II.]

S.O. 883.—In exercise of the powers conferred on me by sub-Section (2) of Section 10 of the Displaced Persons (Claims) Supplementary Act, 1954 (12 of 1954), I have delegated to Shri C. P. Sapra, Settlement Commissioner, with effect from the 6th April, 1959, the following powers of the Chief Settlement Commissioner, namely:—

1. Power to transfer cases to Settlement Officers by general or special order under sub-section (1) of Section 4 of the said Act.
2. Power to require a Settlement Officer to appoint one or more persons to advise him in any proceeding pending before him, under sub-section (2) of Section 6 of the said Act.
3. Power to transfer any case pending before a Settlement Officer to another Settlement Officer under Section 7 of the said Act.

[No. 11-A(53)/CSC/AI-59-III.]

S.O. 884.—In exercise of the powers conferred on me by sub-Section (2) of Section 34 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (44 of 1954), I hereby delegate to Shri C. P. Sapra, Settlement Commissioner with effect from the 6th April, 1959, the following powers of the Chief Settlement Commissioner:—

1. Power to hear appeals under Section 23 of the said Act.
2. Power to hear revisions under Section 24 of the said Act.

[No. 11-A(53)/CSC/AI-59-IV.]

L. J. JOHNSON,
Chief Settlement Commissioner.

(Office of the Chief Settlement Commissioner)

New Delhi, the 14th April 1959

S.O. 885.—In exercise of the powers conferred by sub-section (1) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints Shri B. B. L. Bhardwaj as Assistant Settlement Commissioner for the purpose of performing the functions assigned to such officers by or under the said Act with effect from the date he took charge of his office.

[No. 5(21)Admn(R)/CSC/59.]

S.O. 886.—In exercise of the powers conferred by sub-section (1) of Section 3 of the Displaced Persons (Claims) Supplementary Act, 1954 (No. 12 of 1954) the Central Government hereby appoints Shri M. L. Vijh as Settlement Commissioner for the purpose of performing the functions assigned to such Commissioner by or under the said Act.

[No. 11-A(55)/CSC/AI-59.]

S.O. 887.—In exercise of the powers conferred by sub-section (1) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954) the Central Government hereby appoints Shri M. L. Vijh, as Settlement Commissioner for the purpose of performing the functions assigned to such Commissioner by or under the said Act.

[No. 11-A(55)/CSC/AI-59.]

New Delhi, the 16th April 1959

S.O. 888.—In exercise of the powers conferred by sub-section (1) of Section 3 of the Displaced Persons (Claims) Supplementary Act, 1954 (No. 12 of 1954), the Central Government hereby appoints Shri C. P. Sapra as Settlement Commissioner for the purpose of performing the functions assigned to such Commissioner by or under the said Act.

[No. 11-A(53)/CSC/AI-59.]

M. L. PURI,

Settlement Commissioner and *Ex-Officio*, Under Secy.

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 15th April 1959

S.O. 889.—In exercise of the powers conferred by sub-section (1) of Section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby appoints Shri K. N. Thirumalai Iyengar to be an Inspector for the whole of the State of Kerala for the purposes of the Said Act and of any Scheme made thereunder, in relation to an establishment belonging to, or under the control of, the Central Government or in relation to an establishment connected with a railway company, a major port, a mine or an oil-field or a controlled industry.

[No. PF-I/31(583)59.]

P. D. GAIHA, Under Secy.

New Delhi, the 18th April 1959

S.O. 890.—In exercise of the powers conferred by section 10 of the Coal Mines Labour Welfare Fund Act, 1947 (32 of 1947), the Central Government hereby makes the following further amendments in the Coal Mines Labour Welfare Fund Rules, 1949, the same having been previously published as required by sub-section (1) of the said section, namely:—

In the said rules, for Rule 42, the following rule shall be substituted, namely:—

"42. *Conditions of service of persons appointed under section 9 of the Act.*—
Unless other provision is made in this behalf, persons appointed under section 9 of the Act shall be governed—

- (a) by such rules relating to the conditions of service of Government servants generally, as have been made applicable with or without modifications to such persons, and as are in force immediately before the 1st March 1959; and
- (b) by such other rules relating to the conditions of service of Government servants generally, as may, after the said date, be made applicable with modifications, if any, to such persons by the Central Government."

[No. M-II-1(11)/58.]

S.O. 891.—In exercise of the powers conferred by section 83 of the Mines Act, 1952 (35 of 1952), the Central Government hereby exempts the mines specified in the first column of Schedule I below from the operation of rule 53 of the Mines Rules, 1955 subject to the conditions specified in the corresponding entry in the second column thereof.

SCHEDULE I

Mines exempted	Conditions attached to exemption
1	2
1 Noamundi Iron Ore Mine, P. O. Noamundi, District Singhbhum, BIHAR.	The existing forms 'A-1' and 'D' as reproduced in Schedule II below, shall be maintained.
2 Gorumahisani Iron Ore Mine, P. O. Gorumahisani, District Mayurbhanj, ORISSA.	
3 Badampahar Iron Ore Mine P. O. Badampahar, District Mayurbhanj, ORISSA	The existing forms 'A-1' and 'D.1' as reproduced in Schedule II below shall be maintained.

SCHEDULE II
FORM—A-I
THE

RAISING AND LOADING CONTRACTORS

TO THE TATA IRON AND STEEL CO. LTD., AT THEIR.....OPEN CAST IRON MINE

Rate per day Rs. Box/or Foot.....

Calculated Leave Wage rate.....

Instalment of Privilege Leave availed.					
D/.....to D/.....					
D/.....to D/.....					
D/.....to D/.....					
D/.....to D/.....					
D/.....to D/.....					
Three Months Total					
D/.....to D/.....					
D/.....to D/.....					
D/.....to D/.....					
D/.....to D/.....					
D/.....to D/.....					
D/.....to D/.....					
D/.....to D/.....					
D/.....to D/.....					
Nine Months Total					
Yearly Total					
Previous Year's Leave arrears					
This Year's Due					
Total					
Leave availed.					
Balance Leave C/o					

Instalment of Casual Leave availed.					
D/.....to D/.....					
D/.....to D/.....					
D/.....to D/.....					
D/.....to D/.....					
D/.....to D/.....					
Three Months Total					
D/.....to D/.....					
D/.....to D/.....					
D/.....to D/.....					
D/.....to D/.....					
D/.....to D/.....					
D/.....to D/.....					
D/.....to D/.....					
D/.....to D/.....					
D/.....to D/.....					
D/.....to D/.....					
Nine Months Total					
Yearly Total					
Previous Year's Leave arrears					
This Year's Due					
Total					
Leave availed.					
Balance Leave C/o					

Form—D-1.

TATA'S

C.P.-2013-7500-4-57-Dy.

THE CENTRAL PROVINCES SYNDICATE PR. LIMITED., GORUMAHISANI IRON ORE MINES, MINES ATTENDANCE

BADAMPAHAR

AND RAISING RECORD

FROM W/E.....195 .

TO W/E.....195 .

Ticket No.	Name	Village	W/E..... Attendance.				W/E..... Attendance.				W/E..... Attendance.				W/E..... Attendance.				Total Days in 4 Weeks.
						Total Days.				Total Days.				Total Days.				Total Days.	

W/E..... Raising.				W/E..... Raising.				W/E..... Raising.				W/E..... Raising.				Total Boxes in 4 weeks.	RICE ISSUED Seers.						Earnings Amount		Tiket No.
			Total Boxes.				Total Boxes.				Total Boxes.				Total Boxes.		@8/-	@8/2/-	@8/-	@8/2/-	@8/-	@8/2/-	Rs.	np.	

[No. M. III-34 (21) 58.]

New Delhi, the 20th April, 1959

S.O. 892.—In exercise of the powers conferred by sub-section (1) of section 12 of the Mines Act, 1952 (35 of 1952), and in supersession of the notification of the Government of India in the late Department of Labour No. M216(3)-I, dated the 22nd February 1946, and the notification of the Government of India in the Ministry of Labour No. M-43(4)50 dated the 8th February 1952 under which Mining Boards were constituted for coal mines and mines other than coal mines, respectively, in the State of Bihar, the Central Government hereby constitutes a Mining Board for all mines in the State of Bihar with the following members:

Chairman

The Commissioner, Chotanagpur Division, Ranchi, *ex-officio*. [Nominated by the Central Government under clause (a) of section 12(1).]

Members

- (1) The Deputy Chief Inspector of Mines, Dhanbad, *ex-officio*. [Nominated by the Central Government under clause (b) of section 12(1).]
- (2) Shri Ram Narain Sharma, M.L.A., P.O. Jharla, District Dhanbad: [Nominated by the Central Government under clause (c) of section 12(1).]
- (3) Shri A. A. Beard, C/o Messrs. Bird & Co. (Private) Ltd., P.O. Sijua, District Dhanbad. [Nominated by the Indian Mining Association under clause (d) of section 12(1).]
- (4) Shri Rasiklal Worah, C/o Messrs. K. Worah and Co. (P) Ltd., 135, Canning Street, Calcutta. [Nominated by the Indian Colliery Owners Association under clause (d) of section 12(1).]
- (5) Shri Radha Krishna Singh, Vice-President, Bihar Colliery Mazdoor Sangh, Dhanbad. [Nominated by the Bihar Colliery Mazdoor Sangh under clause (e) (ii) of section 12(1).]
- (6) Shri Surajnarayan Singh, President, Mica Labour Union, P.O. Jhumeritalaiya, District Hazaribagh. [Nominated by the Central Government under clause (e) (ii) of section 12(1).]

[No. MI-3(4)/58.]

P. N. SHARMA, Under Secy.

New Delhi, the 15th April 1959

S.O. 893.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Victoria Colliery and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD
REFERENCE No. 52 OF 1958

PARTIES:

Employers in relation to the Victoria Colliery, P.O. Kultl.

AND

Their workmen represented by the Colliery Mazdoor Union, Asansol, Dt. Burdwan.

Dhanbad, dated the 27th March 1959

PRESENT:

Shri Salim M. Merchant, B.A., LL.B.,—*Chairman.*

APPEARANCES:

Shri P. K. Sanyal, Advocate, with Shri N. Roy, Advocate, instructed by Shri Keshab Banerjee, General Secretary, Colliery Mazdoor Union—*for the workmen.*

Shri D. Narsingh, Advocate, with Shri S. K. Brahmachari, Agent, and Shri B. P. Kabi, Security Officer—*for the employers.*

State: West Bengal.

Industry: Coal.

AWARD

The Government of India, Ministry of Labour & Employment, by Order No. LR-II-1(57)/58, dated 26th August 1958 on a joint application of the parties above named, in exercise of the powers conferred by sub-section (2) of Section 10 of the Industrial Disputes Act, 1947 (XXV of 1947), was pleased to refer the dispute between the parties above named in respect of the matters set forth in the said application of the parties, and reproduced in the following schedule to the said order:—

"1. (a) Whether the management's conversion of the piece-rated trammers on the surface into time-rated trammers was justified?

(b) if not, what relief are the trammers concerned entitled to?

2. Whether the management was justified in ordering the surface trammers to do jobs other than tramping during 8 hours shift."

2. After the usual notices were issued on the parties, the Colliery Mazdoor Union (hereinafter referred to as the union), which represents the workmen, filed its statement of claim on 29th September 1958 and the company filed its reply on 27th October 1958. Thereafter the dispute was taken up for hearing and concluded on 16th March 1959. The workmen concerned in this dispute are the surface trammers numbering about 53 employed in the Victoria Colliery. It may be stated at the outset that the duty of trammers is to push or control the travel of full and empty tubs with or without the assistance of other trammers. The colliery also employs about 125 underground trammers but we are not concerned with them in this dispute. In the coal industry trammers are either piece-rated or time-rated and that this is recognised both by the Award of the All India Industrial Tribunal (Colliery Disputes), popularly known as the 'Majumdar Award', and the decision of the Labour Appellate Tribunal.

3. It is admitted that prior to 24th June 1956 all trammers in this colliery were piece-rated but that from that date, with retrospective effect from 26th May 1956, the company converted them into time-rated trammers. The union in its statement of claim has alleged that this change was effected by the management in September 1956 after the workmen had been demoralised by an unsuccessful protracted strike that had taken place in this and other collieries in the Raniganj coalfield. The union's case is that the management had taken advantage of the demoralised state of the workmen to effect this change, which prejudicially affected the surface trammers. But the union at the hearing has accepted the company's statement that the change was not effected in September 1956 but was made only on 24th June 1956 with effect from 26th May 1956, on which latter date

the Majumdar Award came into force. According to the union the workmen had verbally protested against the change over from piece-rate to the time rate. But the management has denied any such verbal protest. It is, however, admitted that the union by its letter dated 21st September 1957 (Annexure A to the union's written statement) placed two grievances of the surface trammers before the management viz (1) that under threats of penalty they were being made to do the work of wagon loaders, wagon pushers, picking mazdoors, pipe carriers etc., over and above their work of trammers. The union demanded that this practice should be stopped; and (2) that before the Majumdar Award the trammers were all piece-rated but to their prejudice had been converted into time-rated. The union demanded that they should be made piece-rated again. It appears that the management did not pay any heed to these demands and therefore on 20th January 1958, the union wrote to the Conciliation Officer (Central), Asansol, raising an industrial dispute in respect of these two demands. (Annexure B to the written statement of the union). The dispute was taken up in conciliation, and thereafter on 29th April, 1958 the parties jointly applied to Government for reference of this dispute to adjudication, and consequently this reference was made.

4. The union's case is that the change over from piece-rate to time-rate is prejudicial to the surface trammers as it prevents them from earning the higher wages prescribed for piece-rated trammers by the Majumdar Award as modified by the decision of the Labour Appellate Tribunal of India. The union has also urged that the practice of making the trammers do jobs other than of tramming without paying them separate additional remuneration for the same is illegal and unjustified.

5. The company in its written statement has admitted that prior to the Majumdar Award coming into force on 26th May 1956, the trammers in this colliery were piece-rated and that all the trammers were made time-rated on 24th June 1956 with effect from 26th May 1956. As I have stated earlier, it denies that this change was effected in September 1956 after the strike that had taken place in the Ranigunj coalfield. The company has stated that the underground trammers have also accepted the time-rate since 26th May 1956 and are even now being paid at time-rates. It has denied that the change from piece to time-rate had adversely affected the trammers. It has pleaded that the number of trammers on the surface is in excess of the requirements of the colliery, particularly since the time the boilers in the power house had ceased to function. It has stated that prior to the closing of the power house the surface trammers were tramming coal for the seven Lancashire boilers, and that they do not any more have to do this work, as also the work of tramming ash from those boilers to the ash bank. According to the company the result is that the surface trammers are not fully occupied during the shift, but work for the maximum period of only 4 hours during the busiest shift period and for less time during other periods and that the present number of trammers is far in excess of the requirements of the colliery; that certain suggestions made by the management with a view to relieve overcrowding in the number of trammers was not accepted by the union with the result that the number of surface trammers at present employed is far in excess of its requirements; that due to the surplussage of the trammers it was impossible for the management to fix any piece-rate which would, after a normal day's work, bring to the trammers even the guaranteed minimum wage prescribed by the Majumdar Award and that as the management's proposal for retrenchment of surplus trammers was not accepted by the union and the management did not want to force the issue, it had no other alternative but to convert the piece-rate to time-rate, and that this was a bonafide action of the management in the best interest of both the trammers and the management. The company has, therefore, denied that the change from the piece to time-rate has adversely affected the surface trammers. It has further denied that the conversion from piece-rate to time-rate was illegal being in violation of Section 22 of the Industrial Disputes (Appellate Tribunal) Act, 1950, as alleged by the union.

6. With regard to the second demand the management's case is that only on rare occasions and only when the exigencies of work so demanded the surface trammers were asked to do the work of wagon pushers or drum khalasis to work the tippler handlers. It has contended that they were asked to do this work occasionally during the working shift when otherwise they would have remained idle, necessitating their being laid-off at half their wages. It has, therefore, denied any liability for paying extra remuneration for this occasional work.

7. On the first demand, it is admitted that prior to 24th June 1956 the trammers, both on the surface and underground, were being paid at the piece-rate of Re. 0-1-0 basic per tub trammed with Re. 0-1-6 as dearness allowance. It is also admitted that under the Joshi agreement which governed the rate of wages for trammers before the Majumdar Award, whenever their piece-rate earnings fell

short of the time-rates fixed at Re. 0-9-0 per head per shift for steam coal and Re. 0-10-0 per head per shift of slack coal, the company used to make up the wages of the piece-rated trammers to that level. Before the Majumdar Tribunal both the employers and employees had filed an agreed statement of occupational nomenclature and job description which is Appendix XI to Vol. II of that Tribunal's award. Item 92 of that Appendix describes a trammer as a workman who with or without the assistance of other trammers pushes or trams the travel of full and empty tubs. That statement further recorded that some trammers are paid daily wage (time-rated trammers) whilst others are paid according to the terms of the contract made between them and management (piece-rated trammers). The Majumdar Award placed time-rated trammers in Category III, for which category of workmen it fixed a daily basic wage of Rs. 1-1-0 and dearness allowance of 150 per cent thereon i.e. Rs. 1-9-6, bringing their daily remuneration to Rs. 2-10-6 and an underground allowance for such of them who work underground. (See para. 571 of the Majumdar Award). With regard to the piece-rated trammers the Majumdar Tribunal observed:—

"In view of the element of uncertainty in the earnings of the piece-rated trammers and the existing differentiation between piece-rate and time-rated trammers, the piece-rated trammer may be given Re. 0-1-0 extra in his basic wage with consequential allowance."

It will thus be seen that the Majumdar Tribunal awarded the piece-rated trammers a higher basic wage rate with consequential higher allowance than what it awarded to the time-rated trammers and that it did this because of the uncertainty in the earnings of piece-rated trammers and to maintain the prevailing wage differentials between the piece-rated and time-rated trammers. Before the Majumdar Tribunal the workmen had demanded a minimum guaranteed wage for all piece-rated workers—including piece-rated trammers—to provide for situations when their daily earnings suffer for no fault of theirs. The Tribunal appreciated the merit of this claim and directed that the earnings of the piece-rated workers should be reviewed at the end of every 13 working days and if on account of factors for which the piece-rated workers are not responsible they cannot reach their output as fixed by the Tribunal, the management should make up the differences to the extent of 75 per cent. of the total emoluments that they would have earned under normal conditions, after setting off towards the same any lay-off compensation that they may have been paid under Section 25C of the Industrial Disputes Act. The Labour Appellate Tribunal reduced the period of adjustment from 13 days to one week to correspond to the usual wage period of the workmen. The Labour Appellate Tribunal considering the nature and importance of the work of the trammers modified the Majumdar Award and placed the time-rated trammers in the higher Category IV for which they fixed the enhanced basic wage of Rs. 1-4-0 with dearness allowance of Rs. 1-11-8, thus raising the emoluments of surface trammers to Rs. 2-15-8 per day (See para 151 of the Labour Appellate Tribunal's decision). With regard to the piece-rated trammers the Labour Appellate Tribunal observed and directed as follows:—

"The Trammer plays an important part in the production of coal as on him depends largely the constant supply of coal tubs to the miners and the loaders. The nature of his work is undoubtedly strenuous, as pointed out by the C.B. Award. Considering that in several collieries even the time-rated trammers were being paid the same wages and in a few mines even higher wages than the pick miners, we think that the proper place of the piece-rated Trammer whether working underground or on the surface would be in Category V. We would, therefore direct that the existing rates of the piece-rated trammer should be revised and raised so as to enable him to earn the basic wage of Rs. 1-5-0 per day per shift of 8 hours, on which he would earn a dearness allowance of Rs. 1-11-8 and his total emoluments inclusive of bonus and underground allowance would amount to Rs. 3-10-4 per day as of a Category V workman."

By para 152 of its decision the Labour Appellate Tribunal directed that in no event shall a piece-rated trammer get for a day's work wages less than that fixed for the time-rated trammer. Thus, under the Labour Appellate Tribunal's decision time-rated trammers are placed in category IV with a basic of Rs. 1-4-0 per day whilst piece-rated trammers are placed in the next higher category V, with the direction that the existing piece-rate should be so revised and raised as to enable them to earn the basic wage of Rs. 1-5-0 per day of 8 hours shift, with a guarantee that no piece-rated trammer shall get less than the wages fixed for time-rated trammers.

8. It is convenient at this stage to state that the Majumdar Award came into force on 26th May, 1956, and that within a month thereafter appeals against it were filed before the Labour Appellate Tribunal which gave its decision on 29th January, 1957. From that decision certain employers moved the Hon'ble Supreme Court and obtained a stay of the Labour Appellate Tribunal's decision and it was only in May or June, 1957, as a result of the efforts of a tripartite conference called by the Central Government that an agreement was reached by which the selling price of coal was further increased and the employers agreed to withdraw their appeals before the Hon'ble Supreme Court and that it was only after this settlement was reached that the collieries implemented the decision of the Labour Appellate Tribunal and granted the benefits under it with retrospective effect from 26th May, 1956, the date on which the Majumdar Award had come into force.

9. One of the main grounds urged by the management in answer to demand No. 1 is that the union, for the first time by its letter dated 21st September, 1957, 15 months after the time-rate had been introduced, had asked for reconverting the trammers from the time rate to the piece rate. It is urged that what had remained in force for 15 months, should not now be lightly unsettled. It must, however, be remembered that when in June, 1956, the company changed the original piece rate system to the time-rate system it was done as a unilateral act of the management and not as the result of any agreement between it and the union. The Majumdar Tribunal had directed that piece-rated trammers should be guaranteed a minimum wage of 75 per cent. of their earnings at the piece-rate if due to any exigencies of work they were not able to do a full day's work. The Labour Appellate Tribunal decision guaranteed the piece rated trammers the wage of the time rated trammers, and as I have said that decision came to be implemented only in about June, 1957. In these circumstances, I do not think that the fact that for 15 months no demand for a change over to the piece-rate was made, would disentitle the workmen from making a demand for the piece-rated wages which they are entitled to under the Majumdar Award as modified by the Labour Appellate Tribunal's decision particularly when under the Labour Appellate Tribunal's decision the piece-rated trammers had become entitled to higher wages than fixed by the Majumdar Award. There is no doubt that under the decision of the Labour Appellate Tribunal a piece rated trammer would be entitled to earn higher wages than the wages fixed for a time rated trammer. In fact, the Labour Appellate Tribunal's decision has guaranteed to the piece-rated trammers, the minimum wages of a time-rated trammer. Under the time-rated system in force in the company at present no trammer would earn more wages than for category IV, whilst a piece rated trammer can under the decision of the Labour Appellate Tribunal earn the higher wages of a category V workman. By the trammers having been put on time-rated system, virtually no trammer would get the benefit of the category V wages, which they would stand to earn if they are made piece-rated. It is admitted that prior to the Majumdar Award all trammers in this colliery were piece-rated and the Labour Appellate Tribunal's decision required that those piece-rates should have been so adjusted as would have made the trammers earn the higher wages prescribed for category V employees for working a shift of 8 hours. In view of this position, I am not satisfied that the management is justified in refusing the demand of the surface trammers to be put on piece rates.

10. The union has tried to show that the average tubs worked daily by a trammer comes to 12.75 and that at the rate of the total of basic and dearness allowance per tub being '34 nP., the trammer stood to gain Rs. 11.88 nP. more per week than what he earned under the time-rate. These calculations are contained in a statement (Exhibit W-A) filed by the union. But the union's whole calculation is based on the average daily tubs trammed being 12.75 tubs which is not accepted by the company and the union has not lead any evidence to establish the basis of its statement. That statement of the union cannot therefore be accepted. The union, has however, shown from another statement (Exhibit W-B) that if shift workings are taken into account, then even before the Majumdar Award came into force the trammers stood to earn more under the piece-rate than what they earned on the time rate basis for certain shifts covered by the period from 13th August, 1955 to 23rd June, 1956. This statement is admitted by the company. The company has, however, filed a combined weekly statement of steam and slack coal for 1955 and 1956 (Exhibit E-1) which shows that 'make up' wages had to be paid to the piece rated trammers to bring them up to time-rate fixed under the Joshi Agreement, prior to the coming into force of the Majumdar Award. The union has, however, filed another statement (Exhibit W-D) showing that in many weeks during the same period no make up wages had to be paid. The union has also filed a statement (Exhibit W-C) showing the raisings of coal in

this colliery each year since 1950 to 1958. This statement shows that during 1957 and 1958, there was higher raising of coal in this colliery than during 1956, and its argument is that with higher raisings the piece-rate would be more beneficial to the trammers than the time-rated system. In my opinion, the combined result of these statements shows that the trammers if they were put on the piece-rate system would stand to earn more wages than they do under the time-rate at present in force in the company. No doubt, the company's contention that if the piece-rate system is introduced for the surface trammers it would unsettle the time rate that is being paid to the underground trammers who are working under a time rate system under an agreement with their union. I would ordinarily have not disturbed the existing arrangement but, I am satisfied that originally when the piece-rate was changed to time-rate on 24th June, 1956, there was no agreement between the company and the union and that as under the piece rate trammers stand to earn higher wages than under the time-rate, they should not be denied that benefit to which they are entitled under the Majumdar Award as modified by the Labour Appellate Tribunal's decision. The company has argued that if the piece-rate is introduced, it would have to retrench some of the surface trammers. That is always the right of an employer if exercised in a *bona fide* manner and I am not called upon to express any opinion whether retrenchment of any of the surface trammers would in fact be necessary if the piece rate is introduced. I, therefore, answer issue No. 1(a) in the negative and hold that the management's conversion of the piece-rate trammers on the surface into time-rated trammers was not justified.

11. Issue No. 1(b) is as to what relief the trammers concerned are entitled to if the answer to issue No. 1 is in the negative. On this part of the demand the union has claimed that as the trammers in an adjoining colliery belonging to this company, namely the West Victoria colliery, are being paid at piece-rate, the same piece rate should be awarded with retrospective effect from 26th May, 1956. But I do not think such a demand would be justified, as the company has pointed out that the conditions of work in the two collieries differ. I think the ends of justice in this case would be satisfied if the demand for piece-rate is directed to come into operation from the first week ending after the date on which this award comes into operation, and I award accordingly. It is necessary to state that no piece rate was fixed by the Majumdar Award or by the Labour Appellate Tribunal's decision and therefore the piece-rate will be such as to entitle the workmen to earn the wages prescribed for Category V workman as directed by para 150 of the Labour Appellate Tribunal's decision stated earlier. Of course the direction contained in para 152 of the Labour Appellate Tribunal's decision that in no event shall a piece-rated trammer get for a day's work wages less than that fixed by it for time rated trammers shall also apply.

12. Issue No. 2, in the reference is:—

"Whether the management was justified in ordering the surface trammers to do jobs other than tramming during 8 hours shift."

In my opinion the union has rightly contended that as under the Majumdar Award the duties of trammers are specified (see item No. 92 to Appendix XI of the Award), the management cannot ask trammers to do other duties, admittedly of lower categories. The management in its written statement has stated that only very occasionally when exigencies of work so warrant and in the interest of the trammers themselves, they are asked to do the work of wagon pushers or tramming khalasis etc. In my opinion, when under an award the duties of a particular category of workmen are specified and a piece rate wage is fixed for them with a guaranteed minimum, there can be no justification for the management to ask them to do work of a lower category. I would, therefore, hold that the management is not justified in ordering the surface trammers to do jobs of other categories during their 8 hour shift and I answer issue No. 2 accordingly.

13. I make no order as to costs.

(Sd.) SALIM M. MERCHANT,

Chairman, Central Govt.

Industrial Tribunal, Dhanbad.

[No. LR/1(57)/58.]

Dhanbad,
The 27th March, 1959.

New Delhi, the 18th April 1959

S.O. 894.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following awards of the Industrial Tribunal, Nagpur, in the industrial dispute between the employers in relation to the Jhagrakhand collieries and their workmen.

BEFORE SHRI P. D. VYAS, JUDGE, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NAGPUR AT BOMBAY

REFERENCE (CGIT) No. 13 OF 1957

AN ADJUDICATION BETWEEN

The employers in relation to the Jhagrakhand Collieries (Private) Ltd.

AND

Their Workmen.

In the matter of arrears of overtime payment.

APPEARANCES:

Shri B. Narayanaswamy, Advocate—for the Management.

Shri R. L. Malviya, M.P.—for the Workmen.

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, the Central Government was pleased to refer an industrial dispute between the employers in relation to the Jhagrakhand Collieries (Private) Limited, and their workmen for adjudication by the Government Order No. LR11-2(40)/55, dated 24th December 1957. The dispute relates to the matters specified in the schedule annexed to said order.

SCHEDULE.

- (1) Whether the workmen of the Jhagrakhand Collieries are entitled to arrear overtime payment as claimed by the Chhattisgarh Colliery Workers' Federation, Chirimiri, from 24th September, 1948; if not, from what date?
- (2) What categories of workmen are entitled to such payment and for what period?

2. On the usual notices being issued, the General Secretary Chhattisgarh Colliery Workers' Federation has filed the statement of claims on behalf of the workmen and the Secretary, Jhagrakhand Collieries (Private), Limited, has filed the written statement on its behalf.

3. The case on behalf of the workmen is that all the workers of North, South and West Jhagrakhand Collieries are entitled to arrears of overtime payment with retrospective effect from 24th September, 1948 for work done on Thursdays, rest days, holidays and other days of the week in addition to normal duty hours at $1\frac{1}{2}$ times of the normal wages. All the monthly paid employees were required to work on Thursdays, rest days, holidays and other week days from 12 to 14 hours but no overtime wages were paid to them. The weekly paid workers were also required to work overtime on Thursday, holidays, rest days and other week days in addition to normal duty hours but besides normal wages they were not paid any additional overtime wages. All the monthly and weekly paid workers should therefore be paid arrears of overtime with effect from 24th September, 1948, as per the terms of the agreement of the same date between the management and the Chhattisgarh Colliery Workers' Federation. Besides, all the monthly and weekly paid workers are entitled to get overtime wages on account of food-grains concession as per Mines Act, 1952, but the same have not been paid. So also such attendance for overtime work was not taken

into account for the purposes of the payment of bonus. After the agreement dated 24th September, 1948, on the point of overtime payment, the same having not been fulfilled there was another agreement between the parties on 23rd February, 1949 but this too has not been carried out. There was a third agreement on 18th July, 1949 regarding the payment of overtime but this too has not been honoured. All these agreements were arrived at in the tripartite meetings held through the intervention of the Government of India and the employers of the Jhagrakhand Collieries, Limited were represented through the Korea Coal-field Mining Association. Thus the question of payment of overtime to the workers was taken up from time to time by the Government of India but to no effect. It is therefore submitted that the workers of all the categories of South, North and West Jhagrakhand Collieries be awarded payment of arrears of overtime work done by them on Thursdays, holidays, rest days and other week days in addition to their normal duty hours at overtime rate with effect from 24th September, 1948. They should further be awarded the arrears of overtime on account of foodgrains concessions according to the terms of the Mines Act, 1952 as well as bonus on arrear payment of overtime done by them with retrospective effect.

4 The case on behalf of the management is that as the claim of the workmen for non-payment of alleged dues is based on three alleged agreements dated 24th September, 1948, 23rd February, 1949, and 18th July, 1949, and the Mines Act, 1952, the dispute is not an industrial dispute and this Tribunal has no jurisdiction to adjudicate upon the same. The Standing Order for the North, South and West Jhagrakhand Collieries came into operation from 1st June, 1952. Clauses 7 and 8 of the said Standing Orders provided for the payment of overtime allowance. The Mines Act, 1952, came into force from 1st July, 1952 and S. 33 thereof entitles the workmen to payment of extra wages for overtime. Excepting these provisions for overtime, the workers are not entitled to payment of overtime either with effect from 24th September, 1948 nor are there any arrears in respect of such payment. All the monthly paid workers were not required to work on Thursdays, holidays, rest days and other week days and those who worked on such days have been paid such overtime wages as they were entitled to and there are no arrears in respect of payment of such overtime wages. The weekly paid workers who were required to work overtime on Thursdays, holidays, rest days and other week days in addition to normal duty hours have been paid such overtime wages as they were entitled to and there are no arrears in respect of payment of such overtime wages. Moreover the payment of overtime was made in terms of the Mines Act, 1952, and the cash equivalent of the advantage accruing through the sale on a concessional basis of foodgrains was included therein and there is no arrear in respect of such payment. The question of arrears of payment of bonus is not a subject-matter of the reference and in any event, the bonus has been duly paid as required by law and there are no arrears in this respect. There was no such agreement between the parties on 24th September, 1948 as alleged and the Korea Coal-field Mining Association had no authority to enter into any such agreement on the company's behalf. The claims made by the workers should thus be rejected with costs.

5 At the outset it may be noted that the contention as to whether the subject matter of the present reference is an industrial dispute or not has not been pressed or argued at the time of the hearing and I, therefore, need not discuss this point. Really speaking there is no substance in this contention. The Jhagrakhand Collieries (Private) Limited, referred to hereinafter as the employers or the company, has got three collieries, viz., North, South and West Jhagrakhand Collieries. The dispute in the present reference relates to the arrears of overtime payment which the monthly rated and daily rated workmen of all these collieries are entitled to with effect from 24th September, 1948. It appears that the Standing Orders for these collieries came into operation from 1st of June, 1952 and the clauses 7 and 8 thereof made the following provisions in respect of overtime.

"(7) Weekly and daily rated employees shall receive overtime payment at $1\frac{1}{2}$ times the daily wages (basic rate and D. A.) for work on weekly rest day, recognised holidays and for overtime work on other days. Those monthly paid employees who are entitled to receive payment shall receive overtime payment at the rate of $1\frac{1}{2}$ times of $\frac{1}{26}$ th of their monthly basic wages inclusive of Dearness allowance for work on weekly rest day recognised at the colliery.

"(8) Daily wages in this connection consist of the basic wage plus the approved rate of dearness allowance, but excluding all other allowances and concessions.

Since thereafter the Mines Act, 1952 came into force from 1st July 1952 and the S. 33 thereof provides extra wages for overtime thus:

"Where a person employed in a mine works therein for more than forty-eight hours (in any week) whether above or below ground, he shall in respect of such overtime work be entitled to wages at the rate of twice his ordinary rate of wages if he works below ground, and at one and a half times that rate if he works above ground.....For the purposes of this section 'ordinary rate of wages' means the basic wages plus such allowances including the cash equivalent of the advantage accruing through the sale on a concessional basis of food-grains and other articles as persons employed in a mine may, for the time being, be entitled to, but does not include a bonus. The Central Government may prescribe the registers to be maintained in a mine for the purpose of securing compliance with the provisions of this section.

For the period prior to these provisions for overtime, the workers have relied on the three agreements dated 24th September, 1948, 23rd February, 1949 and 18th July, 1949, claiming arrears of overtime with effect from 24th September, 1948.

6. Before we proceed to the question regarding arrears of overtime work which the workers concerned are entitled to, it may for the time be noted that the company has evasively tried to deny the workers' claim without disclosing or furnishing all the material in the shape of documentary evidence which it is or is supposed to be possessed of. With respect to the claim based on the agreements, the agreements are denied, as also the claim. It is said that nobody has worked overtime and in the same breath we are told there are no arrears, as whoever worked overtime has been paid up voluntarily by the company though not bound to do so. In respect of the subsequent period when the provisions under the Standing Orders and the Mines Act came into force, the company's case is the same that those who worked overtime on Thursdays, holidays and rest days in addition to normal duty hours have been paid such overtime as they were entitled to and that there are no arrears of such overtime payment. At the earliest stage when this reference was taken up for hearing, the Company's representative on the point of overtime took up the same stand viz.—that nobody has worked overtime and whoever worked has been paid up and if any one now says that there are arrears of overtime payment, he must establish that he has worked overtime and that he has not been paid overtime wages at the enhanced rate.

7. If it is really the management's case that right from the beginning whoever worked overtime has been paid additional wages for the same, the simplest solution of the whole dispute would be for the management to lay all its cards open and disclose the alleged payment from the relevant records. In this connection too the management has taken an unhelpful and evasive attitude just to defeat the workers' claim knowing it full well that at this juncture it would be very difficult for the workers to prove the claim in the absence of the necessary records. At an earlier stage we were told that from 1954 onwards there were all records showing overtime work as well as payment in respect of the same; that before 1954 there were vouchers for payment of overtime from 1952 onwards which constitute a complete list of all those who worked overtime; that prior to 1952 there are vouchers but they are lying before the Income-tax authorities. We, therefore, thought it proper to adjourn the case in order that the Federation on behalf of the workers may in the meantime take inspection of the relevant documents to see whether the management's story regarding the alleged payment of overtime is true. It however transpired that those who went for inspection on behalf of the workers were not given inspection of all the relevant documents. On the contrary on the next date of hearing the workers came forward complaining that some of the old documents were found in a state of being burnt in a jungle nearby the Collieries. On getting this information they ran to the spot and rescued the same for the purposes of production in this matter as these are the very old documents throwing light on the question of overtime. These burned documents in different lots have been produced on behalf of the workers and those who secured the same have been examined on their behalf. The witnesses, from whatever was visible in these burned documents, have tried to show how the same relate to the Jhagrakhand Collieries and this fact could not be denied on behalf of the management as it can be seen from the cross-examination of the two Managers of the North and South Jhagrakhand Collieries Shri Bhattacharya and Shri Srivastva. Even though these documents belong to the Jhagrakhand Collieries, the management denied any act of burning on their part and so far as the present proceedings are concerned, we have not

thought it proper to embark on any inquiry of an incriminating nature as to who actually burned the same. The burned documents, however, have been produced in such a state as there could be no two opinions on the point that these are the old documents tried to be burned only recently i.e. sometime about the time the parties were to take the inspection of the documents. The management has now, through its two Managers advanced the alleged story of regular destruction of records every year but apart from the discrepancies in their evidence, this story is entirely untrustworthy. It can hardly be believed for a moment that there was regular destruction of records as alleged every year. Not only that some old documents were produced during the inquiry by the labour authorities but even now the workers could get hold of the aforesaid old documents lying in a jungle in a burned state. We further find that during the present proceedings the management has chosen to produce some old documents at different stages just as it suited its purpose. In my opinion the management has withheld the relevant documents and whatever have been produced do not go to show that all the workers have been paid up regularly as they ought to have been paid. In the circumstances of the case the want of records should not go to defeat the workers' claim but on the other hand an adverse inference arises against the management in keeping back the relevant documents which would have thrown complete light on the question of overtime, even though the workers have been agitating in this connection for the last several years. When the workers have been all these years claiming arrears of overtime payment, when either the Government or the labour authorities are intervening in the matter and inquiries are being held, we fail to understand how the management would be justified in destroying the relevant records assuming it has really done so. In another reference, No. (CGIT) 6 of 1958 between the North Chirimiri Colliery and their workmen which came up for hearing about the time of the hearing of the present reference, we found the Assistant Secretary of the present company furnishing some old documents to the party, though now we are told of the alleged yearly destruction of records. In this connection Shri Malviya has filed for being kept on record the statement dated 6th February, 1959, which speaks for itself.

8. It appears from Ex. U-15 that so early as 14th December, 1948 a meeting of the Works Committee of the South Jhagrakhand Colliery was called on 17th December, 1948 to discuss among other things the question relating to bazar day wages for monthly staff and overtime wages for weekly paid employees employed on holidays. It further appears from the workers' complaints Exs. U-47 to U-59 that they were making grievance regarding the non-payment of overtime wages right from 5th September, 1948 and Shri Malviya in this connection referred to the Correspondence between the employers and the Federation, (c.f. Exs. U-16, U-17, U-24, U-27, U-29, U-30 and U-38) and also to the correspondence with the labour authorities (c.f. Exs. U-14, U-18, U-20, U-21, U-23, U-26, U-28, U-32, U-33, U-36, U-37 and U-39 to U-43) including the agreements relied on behalf of the workmen. Whatever may have been the stand taken on behalf of the management, there is no gainsaying the fact that even in respect of the earlier period it was never its case that no overtime was payable nor did it deny any liability to pay the same. Either by way of practice or under the agreements whatever it may be, what the management has been urging is that the payment was actually being made as usual since before 1947 for the overtime work done by the workmen concerned. In Ex. C-5 the letter dated 22nd September, 1949, addressed by the Agent & Mining Engineer to the General Secretary of the Federation, it is stated that they are paying overtime at the rate of $1\frac{1}{2}$ days' wages and double wages for Colliery holidays. There could be no doubt that all throughout either under the agreements or later under the Standing Orders and the statutory provisions in the Mines Act, 1952, the workers were required to be paid overtime wages, if they worked overtime.

9. What the management has tried to suggest is that such overtime wages have been paid up. This story of payment of overtime wages is however unacceptable in view of the evidence on record, though of course the workers' case has to a very great extent been rendered difficult for want of necessary records which are not forthcoming. Under the circumstances Shri Malviya stated that though it is their case that every one doing overtime has not been paid but in the absence of records it is difficult to fully establish the claim regarding the overtime work done on the week days by the workers concerned. He pointed out that the majority of the workmen are piece-rated miners and loaders concerned in the present reference and they have worked overtime but he did not press their claim as it is very difficult to prove the same in the absence of records. The claim has thus been confined to the case of monthly paid staff, consisting of office staff, Engineering Department, Workshop, Underground staff, Chowkidars and Chaprasis, weigh-bridge clerks and Hospital staff who worked on Thursdays, i.e. bazar days, holidays and rest days for the period from 24th September, 1948

to 8th October, 1953. The rest day was declared for the monthly paid staff from 8th October, 1953 but even this was not allowed to all till as late as 1957. Shri Malviya stated that it is rather difficult to prove at this stage all the persons who were deprived of the rest days from 8th October, 1953 onwards but evidence does disclose some cases in this respect who may be given the necessary relief. (c.f. Ex. 44.) As for the weekly paid workmen consisting of Coal cutters, Machine drivers, Drillers, Driller helpers, Dafai Chaprasis, Line Mazdoors, Coal cutting mazdoors, Timber mistries, Timber mazdoors, Tub munshies, Tub writers, Coal cleaners, Pump Khalasis, Electric Shift-men, Haulage Khalasis, Screening Plant Drivers, Handlemen, Fan drivers, Electric fitter coolies, Mechanical fitter coolies, Hammermen, Tub repairing Mazdoors, Baling mazdoors, Carpenters, Hut repairing coolies, Miscellaneous coolies, Sweepers, Assistant Compounder, Hospital Chaprasi or Mazdoor, Shot firer, Explosive carrier, Siding mates, Wagon loading mate and Mazdoors, Magazine Chaprasis, Line Mistries, Gallery in charge, Stone cutters, Packing coolies, Friction roller repairers, Floor dressers etc., Shri Malviya urged that they should be paid $1\frac{1}{2}$ times the normal wages for the work done on holidays, rest days and Bazar days, i.e. Thursdays, for the period from 24th September, 1948 to 1st July, 1952. Since, after the Mining Act came into force, i.e. from 1st July, 1952 to 8th October, 1953 or the date from which the rest day was actually allowed, they should be paid overtime wages under S. 33 of the Act, i.e., double the rate of normal wages for underground workers and $1\frac{1}{2}$ times the normal wages for surface workers together with the grain concession.

10. Coming to the evidence on record in respect of overtime, Ex. U—35 is the report dated 9th June, 1955 in the matter of joint inquiries held by the labour authorities and there under the demand No. 6,—the question of non-payment of overtime to the workers for work done on Thursday, holidays, rest days and other days in addition to normal duty hours has been considered. It has there been observed *inter alia* that the Federation has claimed overtime from 24th September, 1948. But the management did not produce the records relating to wages, attendances etc from that date. The management then alleged that only the records for the past three years were available in the colliery and that the records for the years 1948, 1949, 1950 and 1951 had been 'eliminated.' On checking such records as were then forthcoming the report deals with the Engineering Department, Weigh Bridge staff, office staff, chowkidars and chaprasis, sweepers and then the conclusion has been recorded thus:

"From what has been observed by me during my enquiries I have come to the conclusion that the management have not maintained the Attendance Registers properly. The actual hours of work have not been shown. Only the normal working hours of the employees have been shown. This amounts to falsification of the attendance registers.

The earnings of the workers on account of overtime work wherever it has been paid has not been shown in the pay-sheets. The overtime payments have been made through separate vouchers.

Concessions on account of food grains have not been counted towards overtime payment where it has been paid till 1954.

The attendance and the earnings of the workers for the overtime work have not been counted for the bonus.

The demand of the Federation for payment of overtime is genuine. The management have deprived the workers of their overtime wages by not showing in the statutory attendance registers the actual hours of work. Also have deprived the workers of the hours due to overtime work by making payments of overtime allowance through separate vouchers. Upto 1954 concession on account of food-stuffs has not been paid while paying overtime.....As regards payments of overtime allowance to the workers, the management should settle the average hours of work of overtime in consultation with the respective Unions."

So far as the Weigh Bridge Clerks are concerned, the statement attached to Ex. U—34 indicates that they are the worse sufferers in the matter of overtime looking to the number of hours they worked.

11. Then if we refer to Ex. U—36, the Report of the Regional Labour Commissioner (C), he has on the question of overtime allowance stated: "the enquiries of the Conciliation Officer (C), Jabalpur, reveal that the management are not maintaining the registers in Form V prescribed under the Coal Mines Bonus Scheme 1948.....The Surface workers of the Engineering Department have not

been paid overtime for the last six months of the year 1954. The management have however admitted that there are certain cases in which the workers have not been paid overtime and have shown their readiness to pay the arrears. Obviously, the management have violated the provisions of the Payment of Wages Act, 1936 by not making the timely payment of the overtime allowance to the workers, and those of the Coal Mines Bonus Scheme 1948 by not maintaining the Register in the proper form. I recommend that the company may be dealt with according to law on both counts. Unless prosecution measures are taken against the management they will not understand the sanctity of labour laws as enacted by the Legislature....." Ordinarily no responsible officer would go to the length of making such strong remarks unless there was something seriously wrong with the management in the matter of maintaining the records and the payment of overtime allowance. Simply because no prosecution has taken place, may be in the interest of industrial peace, it cannot be said that these remarks are uncalled for or that everything has been in order with the management.

12. In Ex. U-42 the report of the Regional Labour Commissioner (C) dated 7th November, 1956, the question of non-payment of overtime wages to the workers for work done on holidays, rest days and other days has been discussed under point No. 6. It appears that even the management could not then deny the fact that certain workers did work overtime but they had not been paid for the same and that the management was prepared to pay such overtime with effect from September, 1953, onwards after checking the records. At page 7 of the report we find what the management then said regarding the existence of the documents. The Managers of North & South Jhagrakhand Collieries then gave in writing that no records prior to 1952 were available, original attendance registers beyond 1955 were not available and that Kacha Registers or Signature books have not been preserved. The management then tried to maintain that it was not bound to preserve all the documents but it has rightly been pointed out that when the dispute was pending since a long time, the management's intention in not preserving the registers or not producing the same for inspection did not seem to be *bona fide* and that some of these registers were deliberately kept concealed to avoid collection of further proof regarding overtime payments. Then the report continues to say that "the only solution seems to me is that a direction should be issued to the management: (i) to make payment at 1½ times the basic rates of wages to all employees who have been marked present in the attendance registers maintained in form No. JKND/AC/14ABP649 on Thursdays and all other holidays with retrospective effect. These registers are available since 1952 and the management be persuaded to produce prior registers; (ii) to pay the difference of overtime wages after including cash equivalent to food grains concession since July 1952; and (iii) to satisfy the claims of employees, as far as possible, regarding overtime payment for extra hours of work done on working days."

13. The lot No. 4 of the burned documents indicates that the office staff did overtime work on certain days in the months of August to December, 1952 which were all Thursdays, i.e. Bazar days. Besides, there is the evidence of the witnesses examined on behalf of the workers and in judging their evidence we have to make some allowances in their favour. At this stage no person on earth can state from memory the case of overtime covering a number of years in respect of a large number of workers with all exact details and particulars and there are bound to be some discrepancies here and there. One outstanding fact which attracts our notice is that the management has not allowed regularly rest days, holidays and bazar days to the workers and has not paid overtime for the work which the monthly rated and daily rated workers did on those days. The management has produced certain vouchers in support of the alleged story of payment. It is their case that they have to preserve all such vouchers, and Shri Bhattacharya the manager of the North Jhagrakhand Colliery avers in his cross-examination that all the vouchers from 1947 upto date are available. Thus if it really was their practice to make payment by separate vouchers, then it is difficult to understand why all the vouchers are not forthcoming which would at once set at rest the whole controversy in the matter of non-payment for overtime work. No account books have been produced to show the payments made and according to Shri Malviya, all the vouchers on record are not for the regular overtime work but they relate to some special emergency work done by the workers at the instance of the management.

14. On behalf of the management the two Managers of the North & South Jhagrakhand Collieries have made affidavits and the Manager of North Jhagrakhand Colliery Shri Bhattacharya is an omnibus witness who has gone on making

affidavit after affidavit in the course of the hearing in answer to the affidavits filed on behalf of the workmen. It is very easy for these gentlemen to make any statement as they choose in their affidavits. But only their cross-examination is enough to indicate that there could be no denial about the concerned workmen having worked overtime on the rest days, bazar days and holidays and not having been paid overtime for the same. Shri Bhattacharya admits in his cross-examination that this question of overtime was first raised so early as in the year 1948 and that the complaints were being received since thereafter regarding the non-payment of overtime. He further admits that it is true that some workers were working in the mines on Bazar days, i.e. every Thursday, that they so worked from 15th November, 1947 up-to-date and these are the underground workers; and that the management has not paid overtime to all the workers who worked underground on the bazar days during the period November, 1947 to 1952-53. According to him the official declaration of Thursday as a full holiday for the office clerks was made on 8th October, 1953 and before that it was not a full holiday and the clerks used to come for work for about two to three hours. He admits that no extra payment has been made for this work; and that he cannot give the number of such workers. He further admits that some of the workers belonging to the categories of Tiam line mistries, Packing mazdoors, timber mistries and mazdoors used to work underground on bazar days. In fact there must be other categories also working, as on his own showing he could not give the number of other categories who worked underground. It also appears from his evidence that occasionally waggons were loaded on the bazar days and some persons were required to work for loading such waggons. He, however, alleged that these loaders have been paid at the overtime rate for the work they did on the rest days but he could not say whether there were records to show any such payment for the period prior to 1954. Then we find from his evidence that some of the workers belonging to the categories of Power house, Workshop, Stores, Office staff, Chaprasis and Chowkidars, Sweepers, Weigh-bridge clerks, General surface mazdoors, and Hospital staff did work on the bazar day, i.e. on Thursday. It is very easy for him now to say that they have been paid overtime for the work done but the alleged overtime payment made to them, according to him, can be seen from the wage-sheets and pay-sheets prior to 1954 which have not been preserved. When put a specific question—have you got any documentary evidence to show that the overtime was paid prior to 1954—he gave the reply in no definite terms, viz. "the payment was made by vouchers prior to 1952 and some of these vouchers prior to 1952 are available. We have produced some of these vouchers. There is no such record available for the period 1952 to 1954. I again say even after 1952 the payment by vouchers continued but some vouchers are not available and some we have produced and not all. The vouchers for overtime payment for daily rated were being prepared weekly and for those monthly rated monthly. I cannot say whether I shall be able to produce all the vouchers from 1947 to 1953. The attendance registers from 1947 to 1953 showing the overtime work have not been preserved and they are all destroyed." At the same time on further cross-examination he had to admit that some registers prior to 1953 were produced for inspection before the Regional Labour Commissioner (C), Mr. Jadhav in October, 1956 and yet we have been told that all these registers produced before Mr. Jadhav have subsequently been destroyed in March, 1957 inspite of the existence of the present dispute. Then we find from his evidence that in the case of the workers for general charges, the overtime done by them on Thursdays for the period 3rd January, 1954 to 31st March, 1954, has been entered in the weekly wage sheets and not in the attendance register and he had to admit that for week ending 1st April, 1954 certain line mazdoors worked for seven days but their attendance was marked for six days, which statement he again put differently saying that—though—they have worked for seven days, they have been paid only for six days which means that payment for overtime on the rest day has not been made. He could not deny the fact that in some cases there are some discrepancies between the wage book and the attendance register and that there are some cases of short payment also. The management has now produced answers given by the office clerks to certain questionnaire put to them but it is evident that this was merely an attempt by the management to create some evidence when the enquiries were going on. This witness has not given any convincing explanation in this connection.

15. Then if we refer to the evidence of Shri Srivastava, the Manager of the South Jhagrakhand Colliery he alleges that—for those who go underground on rest days, bazar days and festival holidays, their attendance is marked in the attendance register, so also in the case of the office staff and surface workers who worked on the same days. They used to maintain daily signature book for the office clerks till 1954 and not thereafter. These books from September, 1948 to 1953 are not available. He is not able to say whether these books are burned. Then according to him they do maintain oil issue register showing the oil issued

to the workers working on holidays, rest days and bazar days but he is not able to say whether these registers from 1948 to 1953 are available. According to him the rest day for the clerical staff in South Jhagrakhand Colliery has been started since 8th October, 1953, and though even thereafter the clerks were attending on the rest days, they got alternative rest days for which there is no evidence beyond his word. Even on the production of vouchers he is not in a position to give us any definite information. He states:—"We have produced some vouchers for the years 1951-52 and 1953. There may be other vouchers but I cannot say what they are." Yet he—just made a sweeping statement that all those workers who went underground on Thursdays and did not get alternative rest day have been paid overtime from 1948 to 1953. According to him overtime payment was being entered in the account-books from day to day but he is not in a position to say whether the account books are available from 1947 to 1953. Regarding the alleged payment of overtime by vouchers, we find from his evidence that the vouchers produced are for all overtime work including special emergency work. Then this witness has stated that if a man worked on Thursday which was his rest day, he was given alternative rest day on Friday and besides he was paid at $1\frac{1}{2}$ times his normal wages; but such payment can be shown from other vouchers which have not been produced. He further admits that it is a fact that Compounders and Midwives had no fixed rest day prior to 1957 and even after the order dated 8th October, 1953 some of the workers had to come for about two hours on Thursdays up to June 1954 but according to him they have been paid overtime wages for which there is no evidence except his word.

16. It is abundantly clear from the evidence on record that everything has not been in order with the management in so far as the payment of overtime and the maintenance of the records for the purpose are concerned. There are documents on record indicating that even the management had now and then to admit that certain workmen were not paid overtime, or that for certain period overtime was not paid or that in some cases the grain-concession was not calculated. It is very easy to say that the overtime has been paid up, because it is very difficult for the workmen to prove non-payment in the absence of records. But what we notice is that no sooner than the specific instances of non-payment were raised, they were constrained to admit that certain payments were not made and that the same will be made—cf. for example Exs. C-7, C-9 and C-10, apart from the papers produced by the Union. Right from the beginning it was suggested to the management that if it is really their case that the payment for overtime has been made, why not put an end to the dispute by producing the necessary documents showing the payment. But this has not been done. Some documents purporting to indicate the alleged payment have been produced after the evidence on behalf of the labour was over, as for example, C-28, C-29, C-30, C-31, C-32 and C-41. All these documents were never spoken of before nor the inspection thereof has been given to labour at the appointed time. Any such attempt to produce evidence piece-meal at a late stage of the hearing should not succeed to confuse the issue and it was rightly argued on behalf of the workmen that this was just to spring surprise on the other side and deprive it of an opportunity to explain the same. These papers do not necessarily and conclusively prove that all overtime has been paid to all workmen for all the period.

17. In the result I direct that the workers of the Jhagrakhand Collieries are entitled to arrears of overtime payment, both monthly rated and daily rated who worked on bazar days, rest days and holidays. The categories of the workmen concerned, both monthly rated and daily rated have been mentioned in para. 9 supra and also in the lists Exs. U-45, 46 and 65 filed by the Federation. The overtime shall be payable for the period referred to in the said para. 9 at the rate of $1\frac{1}{2}$ time the normal wages with effect from 24th September, 1948 and since after the Mines Act 1952 came into force at the rates including the grain-concession laid down in S. 33 of the Act. In making the payment it will be open to the management to take into account the payments already made as per the documents now produced in respect of such categories or for such periods to the extent these documents refer to the normal overtime and not the payment made for any special emergency work. The management shall pay Rs. 300 by way of costs to the workmen.

The 31st March, 1959.

(Sd.) P. D. VYAS, Judge.

Central Government Industrial Tribunal, Nagpur at Bombay.

[No. LR II/2(40)/55.]

S.O. 895.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between M/S Tata Iron and Steel Co. Ltd., Jamadoba and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,

DHANBAD

REFERENCE No. 61 OF 1958

PARTIES:

Employers in relation to Messrs. Tata Iron & Steel Co Ltd.

AND

Their workmen.

Dhanbad, dated the 23rd March 1959

PRESENT:

Shri Salim M. Merchant, B.A., I.L.B., *Chairman.*

APPEARANCES:

Shri G. Prasad, Chief Personnel Officer, M/s. Tata Iron and Steel Co Ltd.—
for the company

Shri B. N. Sharma, Member, Executive Committee, Colliery Mazdoor Sangh,
—for the workmen.

State: Bihar.

Industry: Coal.

AWARD

The Government of India, Ministry of Labour & Employment, by its order No. LR-II-2(141)/58 dated 12th November 1958, made in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, was pleased to refer to me for adjudication the industrial dispute between the parties above named in respect of the matters specified in the following schedule to the said order:—

“(a) Whether the management's order directing Shri Mishri Singh Peon, to vacate the double room quarter at Jamadoba and occupy a single room quarter at Malkera is bona fide;

(b) If not, to what relief he is entitled.”

“2. After the usual notices were issued, the colliery Mazdoor Sangh, (herein-after referred to as the union), filed its written Statement of claim on behalf of the workmen on 16th December 1958 and the management filed its written statement in reply on 9th January 1959, after which the dispute was finally heard on 9th March 1959, after I had inspected the quarters in dispute at Jamadoba and Malkera.

3. As stated in the Union's written statement of claim this dispute though a simple one has a background. Shri Mishri Singh, the workmen concerned in this dispute has been in the service of this company for the last about 18 years. The union claims that he is an active member on the Executive Committee of the Tata Collieries Association, a trade union which has now merged with the Colliery Mazdoor Sangh, but the company, denies any knowledge of his trade union activities. By that as it may, it is admitted that some time in 1953 the company had appointed a Special Officer, who called upon Mishri Singh to remove a “gumti” or shed which he was occupying and on his failure a charge sheet was issued against him in that matter, which had subsequently to be withdrawn. The management's case with regard to this first charge sheet is that it was withdrawn as Mishri Singh denied ownership of the gumti and the same could there

after he removed without any further objection from anybody. It appears that sometime thereafter Mishri Singh was served with another charge sheet charging him with the misconduct of having conspired with another employee to murder the Special Officer. It is admitted that this second charge sheet was also withdrawn, the company's explanation for it being that there was not sufficient direct evidence against Mishri Singh to establish the charge. Matters, however, did not rest there. It is admitted that since last 12 years Mishri Singh has been living in a two room quarter in pit 6 and 7 colliery area of the company at Jamadoba. These quarters are attached to what was originally a guest house of the company, but which later has been converted into residential quarters of Shri N. D. Panthakee, Officer-in-Charge of the Central Stores at Jamadoba. Mishri Singh was working as a Chaprasi first in 6 and 7 pits and later at the Central Stores. According to the union, the management had issued the earlier two charge sheets against Mishri Singh in an attempt to victimise him for his trade union activities and that with a view to further harass him and in a spirit of vindictiveness the management on 12.8.1954, shortly after the second charge was withdrawn against him, transferred him to its Malkera colliery, which is 17 miles away from the Central Stores where he was then working as a Chaprasi. The union has urged that this transfer order was in contravention of the company's Standing Orders as it was to take effect immediately and no mention was made in that order as to whether he would get suitable residential quarters at Malkera. The union has urged that this transfer was an instance of the company's attempt at victimisation of Singh and in colourable exercise of its powers under the Standing Orders to transfer the workman from one colliery to another. It appears that the other workmen also resented this transfer order and a notice of strike was served upon the management demanding the withdrawal of the transfer order against Mishri Singh. An industrial dispute was raised and conciliation proceedings followed and according to the union the Conciliation Officer after an enquiry, came to the conclusion that the transfer was *malafide* and consequently he requested the management to cancel the transfer order and made his failure report to Government recommending the dispute for adjudication to a Tribunal. As no order for adjudication was made by the Government, Mishri Singh filed a complaint under Section 33A of the Industrial Disputes Act, 1947 before the All India Industrial Tribunal (Colliery Disputes) against his said transfer order. That application however, lapsed upon that Tribunal becoming *functus officio*, and thereafter as an appeal was pending before the Labour Appellate Tribunal a complaint under Section 23 of the Industrial Disputes (Appellate Tribunal) Act, 1950 was filed by Mishri Singh against his said transfer. That complaint was heard by a Single Member of the Labour Appellate Tribunal (Hon'ble Shri K. Siddiqi) who by his decision dated 20.12.1956 held, agreeing with the conciliation officer, that the transfer of Mishri Singh to Malkera colliery was not a *bona fide* act of the management, but considering that 3 years had passed since the order of transfer was made he felt that there was no reason why Mishri Singh should refuse to join duty at Malkera. He therefore directed that Mishri Singh should be allowed to join his post at Malkera, where he should be provided with accommodation as a special case, within two weeks of his order and that if he did so he should be paid 50% of the total emoluments throughout the period of his unemployment within a month from the date of his joining duty. He further directed the company to pay Rs. 100/- as costs to the workmen. In his judgment Shri Siddiqi observed as follows:—

"In view of the above facts, specially with reference to the proceedings that were adopted and then dropped against this workman twice, once with regard to the gumtee and on another occasion with regard to the attempt to murder Shri K. P. Mukherjee and the circumstances following those enquiries, I agree with the view of the Conciliation Officer that the transfer which was ordered within one month of the closing of the second proceedings, was not *bona fide* act on the part of the company. In my opinion, the company wanted to place this workman in difficulties which led to all the subsequent trouble.

With regard to the authorities cited by the learned representatives on either side I am of opinion that a *malafide* act of transfer even where ordinarily the management is authorised to make transfer may fall within the purview and prohibition of Section 22, and it is a transfer of that nature."

In his judgment Shri Siddiqi also observed and recorded as follows:—

"Nearly three years have passed since the order for transfer was made and the services of the workman were discontinued. The learned representative of the company states that the workman can even today join his service at Malkera and he would be allowed a suitable accommodation as a special case and he need not be afraid of any victimisation."

4. It is clear therefore that the order for his transfer to Malkera colliery was made subject to the company's offer to provide him "with suitable accommodation as a special case."

5. One would have expected that after this decision amicable relations between the management and the workman would have been restored, but that evidently was not to be. On 22nd December 1956 two days after the above decision was given, the company wrote to Mishri Singh asking him to shift to Malkera on or before 4th January and to report himself for duty there to the Manager, Malkera Colliery who would provide him with a single room quarter for his accommodation and that on his failure disciplinary action would be taken against him, and further that only after he had shifted to Malkera would he be paid 50% of his basic wages as directed by the Labour Appellate Tribunal (Annexure 'A' to the Union's written statement). The union has made a grievance of this letter and has pointed out that whilst Shri Siddiqi's judgment directed payment of 50% of the back wages after he had joined duties at Malkera, the company had added an additional condition by making that payment conditional upon his vacating the quarters he was occupying at Jamadoba and shifting to Malkera. Thereafter, Mishri Singh was allotted a dhowra in Quarter No. 3 in Block AR, at Malkera, but Mishri Singh by his letter dated 8-5-1957 [Exhibit E-1(3)] objected stating that it was not possible for him to live there with his wife and five children as the locality was dirty and the neighbourhood was objectional. He stated that under the orders of the Labour Appellate Tribunal he was entitled to suitable accommodation. Subsequently the management by its letter dated 31.12.1957 offered him quarter No. 1 in the E block at Malkera which fell vacant. I may pause here and state that even after he joined Malkera colliery on 2-1-1957, Mishri Singh has continued in occupation of his old quarters at Jamadoba and that he goes to Malkera colliery everyday by train and it is not denied that he has been regular in his attendance.

6. To continue the narration of events, on 21.4.1958 Mishri Singh addressed a letter to the Manager, Malkera Colliery requesting him to supply electricity to the quarter No. 1 in the E block which had been allotted to him (Exhibit E-1). The management could not comply with this demand as the colony in which this quarter is situated has no electric connection. Therefore, on 31.5.1958 Shri F. S. Watcha, the Officiating Chief Mining Engineer, served Mishri Singh with a charge sheet No. 23/58 charging him with misconduct of not having vacated his quarters at 6 and 7 pits colliery, even though he had been allotted the said quarter No. 1 in E block at Malkera colliery, and which he had occupied. The charge sheet stated that he was guilty of misconduct punishable under clause 19(1) and 27 of the Standing Orders of the company. [Exhibit E-1(1)]. In his reply Mishri Singh stated that he was being subjected to unnecessary harassment constantly; that he had been living in the quarters at 6 and 7 pits colliery at Jamadoba for 12 years and that the quarters consisted of 2 rooms and a verandah, which had recently been repaired at his request; that though house rent for these quarters had been deducted from his wages after the Majumdar Award the amount had not till then been refunded to him; that though he had been working at Malkera for the last 18 months, his occupation of its quarters at 6 and 7 pits colliery had not caused any inconvenience to the management; that if any inconvenience was being caused, it was caused to him, but that he had no grievance on that score; that the company's order was not reasonable hence there was no violation by him of standing orders 19(1). He further stated that the quarter allotted to him at Malkera was a single room quarter without the other conveniences which he enjoyed at Jamadoba. He denied that he had already occupied the quarter No. 1 in the E Block at Malkera and stated that it was under the lock and key of the Welfare Officer at Malkera. He denied receipt of the company's letter dated 12.5.1958 to which reference was made in the charge sheet. He concluded by stating:—

"However if the management allots to me a double room quarter at Malkera, I shall immediately vacate the present quarter. The management's right to transfer me from one quarter to another pre-supposes that both the quarters must be similar, if not identical. A one room-quarter cannot, therefore, be a substitute for a double room quarter."

7. It appears that thereafter an enquiry was held on 18.6.1958 at which statements of Rajkaran Singh, Dhowrah Chaprasi at Malkera and J. P. Singh, Welfare Officer Malkera colliery were recorded as witnesses of the management and Mishri Singh also made a statement. Rajkaran Singh in his statement (Exhibit E-1(2)) stated that after Quarter No. 1 in Block E had been allotted to Mishri Singh he (Mishri Singh) wanted the Dhowrah to be white washed. R. K. Singh

thereupon told Mishri Singh to lock the quarter and assured him that the quarter would be white washed. Mishri Singh thereupon borrowed a lock from Rajkaran Singh and locked the quarter, but he asked R. K. Singh to keep the key of the quarter with him (R. K. Singh), so that it may be white washed. But after the quarter was white washed Mishri Singh had not come to occupy the quarters and put him off and later told him that he would not occupy the same as it was not a double room quarter. J. P. Sinha the Welfare Officer at Malkera *inter alia* stated that Mishri Singh had asked him to get the quarter No. 1 of Block E white washed and that he (Mishri Singh) put his lock on the door of the said quarter but thereafter he did not occupy the quarters, but requested him to provide electric lights in the quarter. He advised Mishri Singh to apply for electric connection and he forwarded the application to the Manager with his recommendation that if the transformer permitted it, his request might be complied with. Mishri Singh in his statement at the enquiry stated that unless and until he was allotted a two roomed quarter at Malkera he would not vacate his quarters at 6 and 7 pits Jamadoba. [Exhibit E(1)(2)]. Thereafter, the matter appears to have been referred to the Conciliation Officer and on failure of conciliation, the dispute was referred for adjudication as stated earlier.

8. Shri G. Prasad, Chief Personnel Officer of the Company has urged that this reference is incompetent and invalid and this Tribunal has no jurisdiction to entertain the same as the subject matter of the reference is not an industrial dispute as defined by Section 2(k) of the Act. He has argued that the allotment of any quarter far less any special type of quarters is not a condition of service of any employee, under the company's standing orders. Under Standing Order No. 25 the company has the right to transfer an employee from quarters allotted to him for his use to other quarters and also the right to require him to give up such quarters when so required by the company. But in my opinion this contention has no validity or force, as it must be remembered that the company must exercise its rights under the Standing Order in a *bona fide* manner and a *malafide* exercise thereof would give rise to an industrial dispute. Shri K. Siddiqi's decision referred to above is clearly to this effect and it is surprising that the company should have again urged the same contention in this case after a similar contention had been rejected by the Labour Appellate Tribunal. The question of quarters to be allotted to Mishri Singh at Malkera is the subject of the directions contained in the Labour Appellate Tribunal's decision relating to his transfer to Malkera, and therefore the question whether the management's order directing him to vacate his quarters at Jamadoba and occupy a single room quarter at Malkera was *bona fide* or not would be a question relating to conditions of his service at Malkera as prescribed by that order and as such an industrial dispute as defined by Section 2(k) of the Act. The question is not any longer governed by the Standing Orders of the company but by the directions contained in the decision of the Labour Appellate Tribunal and as such Shri Prasad's further contention that only the Labour Court has jurisdiction over such a dispute is not tenable. Shri Prasad has sought to call in aid a decision of the Labour Appellate Tribunal in the case of Press Employees Association *vs.* the Statesman Limited, Calcutta (1953 LAC. p. 605). But in my opinion, that decision cannot apply to the facts of this case inasmuch as in that case what was being considered was a question of payment of bonus and the point was whether in the absence of any provision for bonus in the standing order or any express agreement that the workmen were to be paid bonus, irrespective of profit or loss the existence of an agreement could be spelt out from the facts and circumstances on record. In this case the question of the quarters to be provided to Mishri Singh is governed by the decision of the Labour Appellate Tribunal and there is no question of consideration of any standing orders or of any agreement relating to provision of quarters. I therefore reject the legal objection urged by Shri Prasad and hold that the reference is valid and I have jurisdiction to entertain the same.

9. At the joint request of the parties I inspected the present premises occupied by Mishri Singh at Jamadoba and also the Quarter No. 1 in Block E at Malkera which the company has offered to him. During my inspection I found that the quarter at present occupied by Mishri Singh which are in the out house of Shri Panthakee's Bungalow, consists of a living room about 10' x 10', with electric lights, a second living room 10' x 10', a verandah 12' x 8' with a washing place and a water tap. There is also a covered raised open room and an enclosed cook room, which Mishri Singh claims were constructed by him. The Quarter No. 1 in E block at Malkera which the company has offered him consists of a living room 12' x 12', a verandah 12' x 8' and an open court yard 21' x 10' and has an exclusive lavatory. There is a common water tap for his use there but the quarters have no electric lights. During the inspection I also saw certain two room quarters at Jamadoba which are occupied by Chaprasis. I was also shown

other quarters in the vicinity of Quarter No. 1 of Block E at Malkera, and the quarter Nos. BR-3 and 4 which has 4 rooms and which was formerly occupied by one Habib Mia, a Contractor of the Malkera colliery, and was last occupied by a Welfare Officer, who held the rank of an Assistant Manager.

10. From the above facts it will be seen that what Mishri Singh is insisting on is that he should be supplied with a double room quarter at Malkera because he is at present occupying a double room quarter at Jamadoba and that he does not object to vacate his present quarters at Jamadoba provided he is given a double room quarter at Malkera. Shri Sharma on behalf of Mishri Singh has argued that the offer of the company before the Hon'ble Shri K. Siddiqi, that he would be provided with suitable accommodation could only mean that the accommodation would be equal to his requirements and equal to the double room accommodation, which he is occupying at Jamadoba. He has also referred to the Union's fear expressed before the Labour Appellate Tribunal that if transferred to Malkera Mishri Singh would not be provided with similar quarters at Malkera as he was occupying at Jamadoba. The company on the other hand argues that the term 'suitable accommodation' means suitable, considering Mishri Singh's designation and what is provided to like categories of workmen at Malkera, and that Quarter No. 1 in the E block provides suitable accommodation for Mishri Singh.

11. The short question referred for adjudication is whether the management's action in asking Mishri Singh to vacate the double room quarter at Jamadoba and to occupy the single room quarter at Malkera is *bona fide* and if not what relief he is entitled to. As I have shown earlier Mishri Singh does not object to shifting to Malkera provided he is given a double room quarter there. He says that he will be satisfied if he is given a double room quarter at Malkera. The controversy between the parties is thus reduced to Mishri Singh's demand for a double room quarter at Malkera. I do not accept the contention of Shri Sharma that because Mishri Singh has always occupied a double room quarter he is entitled to double room quarter at Malkera as a condition of his service. It must be remembered that the present quarter was allotted to him about 12 years ago, when there were no proper rules governing the grant of quarters to workmen. Since then the company has evolved a points system on which basis quarters are supplied to its employees. The company's difficulty however is that there is no double room quarter available at Malkera and according to it the quarter No. 1 in E block which has been offered to him is a good enough quarter for him, and that he had virtually taken possession of that quarter after it had been white washed at his request, but that subsequently he changed his mind and did not go into occupation claiming that the quarter should be supplied with electricity. Though I am not satisfied that Mishri Singh had in fact ever taken constructive possession of the quarters as alleged by the company, I am satisfied that he had agreed to occupy that quarter provided it was supplied with electricity. During my inspection I found that quarters—similar to quarter No. 1 in Block E, in fact with lesser amenities, are occupied by Chaprasis and workmen of even higher rank than chaprasis i.e. mining sirdars and a nurse and I am, therefore, not satisfied that in the existing circumstances, the quarter offered to Mishri Singh is not suitable for him as alleged by him. I consider that the management in insisting on his vacating his quarters at Jamadoba and shifting to Malkera is within its rights as the Labour Appellate Tribunal's decision contained a direction that he should be provided with quarters at Malkera, as a special case. The management has offered him quarters which are occupied by like categories of workmen and I am therefore in the facts and circumstances stated above not prepared to hold that the company's insistence on his vacating his present double room quarter at Jamadoba and occupying the single room quarter at Malkera is lacking in *bona fide*, though I cannot help stating that the management might with good grace have allowed him to continue in occupation at Jamadoba. As is evident from his letter, dated the 21st April, 1958, Mishri Singh had actually agreed to shift into the single room quarter No. 1, E block but the only objection raised by him was that the quarter was without electricity and he requested that it should be provided with electricity. That letter, in my opinion clinches the issue. I am further of the opinion that the demand on his part for electric lights, knowing full well that there is no electric connection in that locality, was an after-thought with a view to resile from his consent to occupy that quarter. It must be remembered that the other quarters in that locality have no electric lights and that he will get the benefit of electric lights, as and when that locality is supplied with this amenity. I am also not satisfied that Mishri Singh's claim to the quarters No. BR-3 and 4 at Malkera, or even to two rooms therein, is justified. That is a 4 room quarter and was last occupied by a Welfare Officer and previous to that by a Contractor of the company. Those rooms have now been reserved for other workmen who are to be dis-

housed at Malkera because of the over-head line passing over their quarters. It must also be remembered that there is an acute shortage of accommodation and that the company supplies quarters to its employees on point basis and that out of about 400 chaprasis only about 50 are at present provided with quarters, and that barring a very few cases of very old employees, the majority of the chaprasis are occupying single room quarters. The company has provided Mishri Singh with alternative quarters at Malkera in obedience to the Labour Appellate Tribunal's directions and because he was supplied with quarters at Jamadoba. In the facts and circumstances of the case. I do not think that the insistence of Mishri Singh to be provided with double room quarter at Malkera is reasonable or justified.

12. In the result, I hold that the order of the management directing Mishri Singh to vacate the double room quarter at Jamadoba and shift to a single room quarter at Malkera, to quarter No. 1 in Block E, is *bona fide*.

13. As I have held that the company's action is *bona fide*, the question of awarding any relief to Mishri Singh does not arise.

14. Shri Prasad, Chief Personnel Officer, has assured me that if Mishri Singh vacates the Jamadoba quarters and occupies quarter No. 1, Block E in Malkera, the company will not take any action against him and will drop the charge sheet No. 23/58. I think the ends of justice would be met if I were to give Mishri Singh time till end of June 1959 to vacate his present quarters occupied by him at Jamadoba and shift to quarter No. 1 in Block E at Malkera, which is reserved for him.

15. No order as to costs.

(Sd.) SALIM M. MERCHANT,

Chairman,

Central Government's Industrial Tribunal.

Dhanbad.

[No. LR112(141)/58.]

DHANBAD;

The 23rd March, 1959.

New Delhi, the 21st April 1959

S.O. 896.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Noonodih-Jitpur Colliery and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

REFERENCE No. 63 OF 1958.

PARTIES:

Employers in relation to Noonodih-Jitpur colliery of Indian Iron and Steel Company Ltd.

AND

Their workmen.

Dhanbad, dated the 3rd April 1959

PRESENT:

Shri Salim M. Merchant, B.A., LL.B.—Chairman.

APPEARANCES:

Shri M. C. Addy, Group Superintendent, Labour & Welfare, Indian Iron & Steel Co. Ltd.—for the employers.

Shri Mahesh V. Desai, General Secretary, Koyala Mazdoor Panchayat,—for the workmen.

Industry: Coal.

State: Bihar.

AWARD

The Government of India, Ministry of Labour & Employment, by Order No. LR.II-2(157)/58 dated 19th November, 1958, made in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (XIV of 47) as amended by Corrigenda No. LR.II-2(157)/58 dated 19th January, 1959, was pleased to refer to me for adjudication the industrial dispute between the parties above named in respect of the subject matter specified in the following schedule to the said order of reference:—

"Whether the reversion of Shri Ram Lal from the post of an office peon to the post of a Shale Picker by the management of Noonodih-Jitpur colliery is justified and if not to what relief is he entitled and from what date?"

2. After the usual notices were issued, the Koyala Mazdoor Panchayat (hereinafter referred to as the union) filed its written statement of claim on 18th December, 1958 and the company filed its written statement in reply on 11th February, 1959, after which the dispute was heard on 2nd April, 1959.

3. The facts of the case are that Ram Lal, the workman concerned in this dispute, has been in the service of this company since the last about 15 years, during the major portion of which period he worked as a Shale Picker, which is a daily rated job and which has been placed in the lowest category I of unskilled workmen by the Majumdar Award, as modified by the decision of the Labour Appellate Tribunal of India. It is admitted that on 5th January 1957 he was transferred to work as an office peon in the Pay and Bill section of the colliery in a temporary vacancy. The awarded scale of pay for a peon is Rs. 26—As. 8—30—1—40, whilst there are no scales of pay fixed for Shale Pickers. It is further admitted that with effect from 1st January 1958 he was transferred back to his original post of Shale Picker. The company's case is that this was done as Ram Lal's work as a peon was found thoroughly unsatisfactory. The Union however raised an industrial dispute over this reversion (Exhibit W-A) and it was taken up in conciliation which resulted in failure (Exhibit W-B).

4. The union's contention is that under the certified standing orders applicable to the colliery Ram Lal after having put in six months service as a peon had become permanent in that post, and therefore his reversion to the post of Shale Picker without a charge sheet and an enquiry was illegal. In support it has relied on the definition of the terms "permanent employee", probationer and "temporary employee" as appearing in the standing orders.

5. The company's case, however, is that Ram Lal had been appointed as a peon in a temporary vacancy in Pay and Bill section. His work there was found thoroughly unsatisfactory and he was therefore for sometime transferred as a peon in the Welfare Section, where also his work was found unsatisfactory and

there were complaints against him. The management therefore transferred him back as a Shale Picker. The company has contended that no prejudice was caused to Ram Lall as in fact he was drawing a higher wage of Rs. 1-1-0 per day as Shale Picker than what he would have been entitled to as a Peon for which the starting salary is Rs. 26 per month.

6. There is no doubt that the company did not strictly follow the procedure prescribed in the standing orders when it sent back Ram Lall to work as a Shale Picker. However, the question referred to me for adjudication is whether the reversion of Shri Ram Lall from office peon to the post of Shale Picker was justified and if not to what relief he is entitled and from what date. Therefore, the question to be decided is whether on the merits of the case the management was justified in reverting Ram Lall as a Shale Picker.

7. The management in support of its case that Ram Lall was unfit for the post of a peon has led the evidence of Shri B. K. Das a clerk in the Pay and Bill Section (E-W. 1), as also of Shri K. K. Paul, Welfare Officer (E.W. 2) under whom Ram Lall had worked for some time. Both of them stated that Ram Lall due to lack of intelligence could not even perform the ordinary duties of a peon; that when he was asked to do one work he used to do another. Shri Paul stated that Ram Lall used to deliver letters to wrong departments or come back and say that he had not been able to understand instructions and that he had thereupon verbally warned him several times, and sent him back to the Pay & Bill Section. Shri Mahesh Desai for the union led the evidence of Shri H. M. Banerjee (W.W. 1) another clerk of the Pay and Bill Section who stated that none of the clerks in the Pay and Bill Section had found Ram Lall's work unsatisfactory or had complained against him. To put it mildly I was not impressed by this witness who made certain statements which were not correct and which were contradicted by Ram Lall himself. Ram Lall was also examined before me and I am sorry to say that he cut a sorry figure in the witness box. I found him hard of hearing and his intelligence so limited that he could not follow the simplest question. In fact, Shri Desai frankly stated that he appeared to be an imbecile and was not fit for the post of a peon. On the evidence, I have not the least doubt that Ram Lall is incapable of properly discharging even the elementary duties of an office peon and that in his own interest it is better if he continues to do the manual work of a shale picker.

8. I am more than satisfied that on the merits the reversion if it may be so called, of Ram Lall as Shale Picker was perfectly justified and the company had acted in a *bona fide* manner in doing so, and I hold accordingly. In fact, I think it is in the real future interest of Ram Lall that he should be continued as a Shale Picker rather than claim the post of an office peon which he is physically and mentally unfit to discharge.

9. No order as to costs.

Dhanbad,

The 3rd April, 1959.

SALIM M. MERCHANT, Chairman,

Central Government Industrial Tribunal, Dhanbad.

[No. LR II/2(157)/58.]

S.O. 897.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute, between the employers in relation to the Bhagaband Colliery of M/s. Bird & Co. (P) Ltd. and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

REFERENCE No 2 OF 1959

PARTIES

Employers in relation to Bhagaband Colliery of Messrs Bird & Co Private Limited

AND

Their workmen

Dhanbad dated the 30th March 1959

Present

Shri Salim M Merchant, B A, LLB, Chairman.

APPEARANCES

Shri S S Mukherjee, B Sc, B L, Advocate, with Shri P K Mitter, Chief Personnel Officer, and Shri J L Sinha, Group Personnel Officer—for the employers

Shri S K Mukherjee, Pleader, with Shri P B D Choudhury, General Secretary, Colliery Staff Association—for the workmen

Industry Coal

State Bihar.

AWARD

The Government of India, Ministry of Labour and Employment, by order No. LR II 2(159)/58 dated 31st December 1958 made in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (XIV of 1947), was pleased to refer to me for adjudication the industrial dispute between the parties above named in respect of the matters specified in the following schedule to the said order —

“Whether the management of Bhagaband colliery was justified in placing Shri Sachī Kanta Bose a clerk in the Stores Section in clerical Grade III under the award of the All India Industrial Tribunal (Colliery Disputes) as modified by the decision of the Labour Appellate Tribunal and if not to what relief he is entitled and from which date”

2 After the usual notices were issued upon the parties, the Colliery Staff Association which represents the workmen of this colliery, filed its statement of claim on 28th January 1959 and the company after obtaining one extension of time, filed its written statement in reply on 21st February, 1959. Thereafter, the matter was fixed for hearing and at the adjourned hearing on 28th March 1959, after the matter had been discussed in court for a considerable time, the parties filed the terms of compromise reached between them and have prayed that an award be made in terms thereof. A copy of the memorandum of compromise filed by the parties is annexed hereto and marked Annexure ‘A’. As I am satisfied that the terms of settlement are fair and reasonable, I make an award in terms thereof. The memorandum of compromise shall form part of this award.

3 No order as to costs

Dhanbad,

SALIM M MERCHANT, Chairman,

The 30th March 1959

Central Government Industrial Tribunal, Dhanbad

ANNEXURE ‘A’

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

REFERENCE No 2 OF 1959

PARTIES

Employers in relation to Bhagaband Colliery of Messrs Bird & Co Private Limited

AND

Their workmen

The above reference has been compromised between the parties on the following terms —

1 That Shri Sachī Kanta Bose of Store Section, Bhagaband Colliery will be placed in clerical grade II as a special case

2. That Shri Sachi Kanta Bose's basic wage is fixed at Rs. 65 (sixtyfive) with effect from 1st March 1959 and he will be entitled to annual increment when it falls due in the scale of clerical grade II as fixed by the decision of the Labour Appellate Tribunal of India.

3. That the parties are to bear their respective costs.

It is therefore most humbly prayed that an award may be passed in the terms aforesaid and the present reference may be disposed of.

And for this, your petitioners as in duty bound shall ever pray.

Dhanbad, 28th March, 1959.

For the Employers:

(Sd.) S. S. MUKHERJEA,

Advocate

28-3-1959.

(Sd.) P. K. MITTER,

Chief Personnel Officer,

M/s. Bird & Co. Private Ltd.

Taken on file.

(Sd.) SALIM M. MERCHANT, Chairman.

Central Government Industrial Tribunal, Dhanbad.

28-3-1959.

For the workmen.

(Sd.) S. K. MUKHERJEE, Pleader.

28-3-1959.

(Sd.) P. B. D. CHOUDHURY,

Gen. Secretary,

Colliery Staff Association, Begunia, P.O. Barakar.

(Sd.) S. K. BOSE.

[No. LR II/2(159)/58.]

ORDERS

New Delhi, the 14th April 1959

S.O. 898.—Whereas the employers in relation to the Bhagaband Colliery and their workmen represented by the Colliery Mazdoor Sangh, Dhanbad, have jointly applied to the Central Government for reference to a Tribunal of an industrial dispute in respect of the matters set forth in the said application and reproduced in the Schedule hereto annexed;

And whereas the Central Government is satisfied that the said Colliery Mazdoor Sangh, Dhanbad, represents a majority of the workmen;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

THE SCHEDULE

FORM A

(See Rule 3)

Form of application for the reference of an Industrial Dispute to a Tribunal under Section 10(2) of the Industrial Disputes Act, 1947.

Whereas an Industrial Dispute exists between the management of Bhagaband Colliery and their workmen represented by the Colliery Mazdoor Sangh and it is expedient that the dispute specified in the enclosed statement should be

referred for adjudication by a Tribunal an application is hereby made under sub-section (2) of Section 10 of the Industrial Disputes Act, 1947 that the said dispute should be referred to a Tribunal.

This application is made by the undersigned who has been duly authorised to do so by virtue of a resolution (Copy enclosed) adopted by a majority of members present at a meeting of the _____ held on the _____ 195 .

A statement giving the particulars required under Rule 3 of the Industrial Disputes Act (Central) Rules 1957 is attached.

The 14th day of October 1958.

(Sd.) Chief Mining Engineer,
M/S. Borrea Coal Co., Ltd.
Managing Agents, M/S. F. W. HEILGERS, & Co.
(Private) Ltd, P. O. Sijua,
Dist. Dhanbad.

(Sd.) B. P. SINHA,
President,
Colliery Mazdoor Sangh, Dhanbad.
(Sd.) S. DAS GUPTA,
Secretary.

Statement required under rule 3 of the Industrial Disputes (Central) Rules, 1957, to accompany the form of application prescribed under sub-section (2) of Section 10 of the Industrial Disputes Act, 1947 :—

- (a) Parties to the dispute including the name and address of the establishment or undertaking involved. The Management of Bhagaband Colliery of M/s. Borrea Coal Co. Ltd., P.O. Bhagaband, Dist. Dhanbad and their workmen represented by Colliery Mazdoor Sangh, P.O. & Dist. Dhanbad.
- (b) Specific matters in dispute. Whether Shri Kalika Singh, Clerk Grade II should be removed from the Colliery immediately for his anti-social, anti-worker and anti-union activities. Shri Md. Rafiq, Assistant Secretary of the Union was assaulted on the Colliery premises on the night of 10-9-58. The Union demanded that as Shri Rafiq in his statement to the colliery medical officer and to the police had reported that the assault was committed at the instance and in the presence of Shri Kalika Singh by two of Shri Kalika Singh's followers, Shri Kalika Singh should be removed from the colliery. The management pointed out in reply that Shri Kalika Singh could only be removed by dismissal or by transfer and that with regard to the former they could take no action under the Standing Orders as the assault took place outside the working hours of both parties and not at their place of work as regards a transfer this was not possible as the Borrea Coal, Co., owned no other colliery to which Shri Kalika Singh could be transferred. Further the management felt that as a criminal case had been instituted on Shri Rafiq's statement it would be premature for them to take any action until the result of the investigation was known. The Union, however, disagreed and served a strike notice on the Company on 25-9-58 for the removal of Shri Kalika Singh.
- (c) Total number of workmen employed in the undertaking affected. 1484
- (d) Estimated number of workmen affected or likely to be affected by the dispute. According to the Management—1
According to the Workmen—1484.
- (e) Efforts made by the parties themselves to adjust the dispute. At the instance of the Management conciliation proceedings were held by the Conciliation Officer (C), Dhanbad I on 4-10-58 and 9-10-58 as a result of which the parties agreed to apply jointly to Government to refer the dispute to a tribunal. A copy of the agreement is attached.

MEMORANDUM OF SETTLEMENT OF AN INDUSTRIAL DISPUTE BETWEEN THE MANAGEMENT OF BHAGABAND COLLIERY AND THEIR WORKMEN REPRESENTED BY THE COLLIERY MAZDOOR SANGH, DHANBAD, ARRIVED AT IN A CONCILIATION PROCEEDINGS HELD ON 9-10-1958, UNDER THE INDUSTRIAL DISPUTES ACT, 1947.

Names of the parties :—

- | | |
|-----------------------------------|----------------------------------------------------------------------------------------------------|
| Representing the Management . . . | (1) Shri P.K. Mitter, Chief Personnel Officer. |
| | (2) Shri P.S. Jaggal, Agent, Bhagaband Colliery. |
| Representing the workmen . . . | (1) Shri S. Das Gupta, Secretary, Colliery Mazdoor Sangh, Dhanbad. |
| | (2) Shri Ravindra Nath Sen, Vice-President, Colliery Mazdoor Sangh, Branch Bhagaband Colliery. |
| | (3) Shri Shyam Narayan Singh, Asstt. Secretary, Colliery Mazdoor Sangh, Branch Bhagaband Colliery. |

Short recapitulation of the case :—

Whereas a dispute has arisen out of the strike notice served on the Manager, Borra Coal Co., Ltd., Bhagaband Colliery, by the General Secretary of the Colliery Mazdoor Sangh in his letter No. III (8A)/58-59/2089-2104 dated the 25th September, 1958, demanding that one Shri Kalika Singh, Clerk Grade II, should be removed immediately from the colliery for his anti-social, anti-worker and anti-union activities, the same has been taken up in conciliation for bringing about a settlement. After prolonged discussion on 4-10-1958 and 9-10-1958 the dispute is resolved to-day on the following terms and conditions :—

Terms of the settlement :—

(1) It is agreed that both the parties concerned in this dispute will apply jointly to the Government of India under section 10(2) of the Industrial Disputes Act, 1947 as amended in 1956, in the prescribed manner for a reference of the following issue to an Industrial Tribunal for adjudication :—

(i) Whether Shri Kalika Singh, Clerk Grade II, should be removed from the colliery immediately for his anti-social, anti-worker and anti-Union activities?

(2) It is agreed that the Colliery Mazdoor Sangh shall withdraw the said strike Notice forthwith.

For Management

Sd/- P.K. MITTER, 9-10-58.

Sd/- P.S. JAGPAL, 9-10-58.

Sd/- P.G. ROY 9-10-58.

For workmen.

Sd/- S. DASGUPTA 9-10-58.

Sd/- R.N. SEN

Sd/- S.N. SINGH

Conciliation Officer (Central), Dhanbad-II

[No. LR-II-2(155)58.]

S.O. 899.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to M/s Nandram Hunatram, Mine Owners, Barbil and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, Therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

(a) where the dismissal of Shri Mangulu, Mate, Parulipada Mines, by the management of M/s. Nandram Hunatram, Mine Owners, P. O. Barbil is justified?

(b) If not to what relief the workman is entitled?

[No. LR-II-23(7)/59.]

S.O. 900.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Loyabad Colliery and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

- (a) Whether the management of Loyabad Colliery of M/s. Bird & Co (P) Ltd., P.O. Sijua, Dhanbad, is justified in placing Shri Biswanath Khan, Assistant Store-keeper, in Clerical Grade III.
- (b) If not, to what relief the workman is entitled and with effect from what date.

[No. LR II/2(181)58.]

New Delhi, the 21st April 1959

S.O. 901.—Whereas the Central Government is of opinion that, an industrial dispute exists between the employers in relation to the Central Bank of India Ltd., Bombay and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, DELHI, constituted under section 7-A of the said Act.

SCHEDULE

Whether the Junior Officers of the Central Bank of India Limited under the designation of Grade 'I' and Grade 'II' Supervisors promoted to such posts from the existing workmen shall be governed by the rules of the Bank as applicable to the officers in respect of pay and other conditions of service and not by those of the Award of the All India Industrial Tribunal (Bank Disputes) constituted by the notification of the Government of India in the Ministry of Labour S.R.O. 35, dated the 5th January 1952 as modified by the decision of the Labour Appellate Tribunal in the manner referred to in section 3 of the Industrial Disputes (Banking Companies) Decision Act, 1955 (41 of 1955), and if not, to what relief are such persons entitled?

[No. LR II-10(100)/58.]

S.O. 902.—Whereas the employers in relation to the Katras Choitodih Colliery and their workmen represented by the Colliery Mazdoor Sangh, have jointly applied to the Central Government for reference to a Tribunal of an industrial dispute in respect of the matters set forth in the said application and reproduced in the Schedule hereto annexed,

And whereas the Central Government is satisfied that the said colliery Mazdoor Sangh, represents a majority of the workmen;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

THE SCHEDULE

FORM A

(See Rule 3)

Form of application for the reference of an Industrial Dispute to a Tribunal under Section 10(2) of the Industrial Disputes Act, 1947.

Whereas an Industrial Dispute exists between the Management of Katras Choitodih Colliery and their workmen represented by the Colliery Mazdoor Sangh and it is expedient that the dispute specified in the enclosed statement should be referred

for adjudication by a Tribunal an application is hereby made under sub-section (2) of Section 10 of the Industrial Disputes Act 1947 that the said dispute should be referred to a Tribunal.

This application is made by the undersigned who has been duly authorised to do so by virtue of a resolution (copy enclosed) adopted by a majority of members present at a meeting of the..... held on the 1959.

A statement giving the particulars required under Rule 3 of the Industrial Disputes Act (Central) Rules 1957 is attached.

Dated the 23rd day of February, 1959.

(Sd.)
Chief Mining Engineer,
M/s. Burrakur Coal Co. Ltd.,
Mg. Agents M/s. Bird & Co. (P) Ltd.,
P.O. Sijua,
Distt. Dhanbad.
(Sd.)
President
Colliery Mazdoor Sangh, Dhanbad.
(Sd.)
Secretary,
Colliery Mazdoor Sangh, Dhanbad.

To

The Secretary to the Government of India,
Ministry of Labour,
New Delhi.

Statement required under Rule 3 of the Industrial Disputes (Central) Rules, 1957, to accompany the form of an application prescribed under sub-section (2) of Section 10 of the Industrial Disputes Act, 1947:—

- | | |
|---------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (a) Parties to the dispute including the name and address of the establishment or undertaking involved. | The management of Katras Choitodih Colliery of M/s Burrakur Coal Co., Ltd., Managing Agents M/s Bird & Co. (P), Ltd., P. O. Katrasgarh Dist. Dhanbad and their workmen, represented by the Colliery Mazdoor Sangh (Regd. No. 491, INTUC Affiliation No. 1159), opposite State Bank of India, Dhanbad. |
| (b) Specific matters in dispute | Whether, in terms of the Labour Appellate Tribunal Colliery Disputes Decision dated 29th January, 1957, in the event of a piece-rated trammer not earning at least Rs. 1-5-0 per day, he is entitled to the minimum guaranteed daily wages of Category IV prescribed for a time-rated trammer or 75% of the rate fixed for piece-rated trammers. |
| (c) Total number of workmen employed in the undertaking effected. | 2700 |
| (d) Estimated number of workmen affected or likely to be affected by the dispute. | 147 according to the management 253 according to the union. |
| (e) Efforts made by the parties themselves to adjust the dispute. | Mutual negotiations and conciliations were held several times which ended in failure and ultimately it was agreed to file a joint application for reference of this dispute to a Tribunal for adjudication. |

(Sd.)
Chief Mining Engineer, Burrakur Coal Co. Ltd.,
Mg. Agents M/s. Bird & Co. (P) Ltd.,
P.O. Sijua (Dhanbad),
President,
Colliery Mazdoor Sangh, Dhanbad.

The 23rd February, 1959.

Secretary,
Colliery Mazdoor Sangh, Dhanbad.

[No. LR11/1(7)/59.]
K. D. HAJELA, Under Secy.